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# PENNSYLVANIA BULLETIN

Volume 27  
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Number 47  
Pages 6063—6168

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Department of Conservation  
and Natural Resources'  
Proposed Revisions to Schedule  
of Prices and Charges for State  
Recreation Areas

See Part III page 6161 for the  
Department of Labor and Industry's  
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**Agencies in this issue:**

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Pennsylvania Public Utility Commission  
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Turnpike Commission

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 276, November 1997**

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**PENNSYLVANIA**



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## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

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# PENNSYLVANIA BULLETIN

Volume 27  
Saturday, November 22, 1997 • Harrisburg, Pa.

Number 47

## **Part II**

This part contains the  
Department of Conservation and Natural  
Resources' Proposed Revisions to Schedule of  
Prices and Charges for State Recreation Areas

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## PENNSYLVANIA

## BULLETIN

(ISSN 0162-2137)

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## **Part III**

This part contains the  
Department of Labor and Industry's  
Workers' Compensation  
Self-Insurance

PRINTED ON 100% RECYCLED PAPER

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENN- SYLVANIA COURTS

#### [204 PA. CODE CH. 211]

#### Promulgation of Consumer Price Index and Judi- cial Salaries Under Act 51 of 1995; No. 188; Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 5th day of November, 1997, pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, it is hereby *Ordered* that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 12-month period and the judicial salary amounts effective January 1, 1998, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 211. CONSUMER PRICE INDEX

##### § 211.1. Consumer Price Index.

(a) Pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, the Supreme Court of Pennsylvania has authorized the Court Administrator to obtain and publish in the *Pennsylvania Bulletin* the percentage of increase in the Consumer Price Index for the most recent 12-month period and the judicial salaries effective January 1, 1998, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq. See, No. 188 Judicial Administration Docket No. 1.

(b) The Court Administrator of Pennsylvania reports that the percentage of increase in the Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending September 30, 1997, was 2.5 percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUURA102SAO, Thursday, October 16, 1997).

##### § 211.2. Judicial Salaries.

The Court Administrator of Pennsylvania also reports that the following judicial salaries are adopted to implement Act 51 of 1995: Section 2.1. Judicial salaries effective January 1, 1998.

(a) Supreme Court.—The annual salary of the Chief Justice of the Supreme Court shall be \$129,353 and the annual salary of each of the other justices of the Supreme Court shall be \$125,936.

(b) Superior Court.—The annual salary of the President Judge of the Superior Court shall be \$123,833, and the annual salary of the other judges of the Superior Court shall be \$121,992.

(c) Commonwealth Court.—The annual salary of the President Judge of the Commonwealth Court shall be \$123,833. The annual salary of each of the other judges of the Commonwealth Court shall be \$121,992.

(d) Courts of common pleas.—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$111,475.

(ii) Philadelphia County, \$112,001.

(iii) Judicial districts having six or more judges, \$110,424.

(iv) Judicial districts having three to five judges, \$109,898.

(v) Judicial districts having one or two judges, \$109,372.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$110,424.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$109,898.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$110,424.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$109,898.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$109,372.

(e) Philadelphia Municipal Court.—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$108,320. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$106,481.

(f) Philadelphia Traffic Court.—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$57,841. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$57,315.

(g) District justices.—A district justice shall receive an annual salary payable by the Commonwealth of \$54,160.

(h) Senior judges.—The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$333 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge

retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 97-1847. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Rules of the Court of Common Pleas No. 95-1387 Civil Term

##### Order of Court

*And Now*, this 7th day of November, 1997, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective January 1, 1998, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Word Perfect 6.1 for Windows reflecting the text in the hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the Cumberland Law Journal.

*By the Court*

HAROLD E. SHEELY,  
*President Judge*

##### Notice to Defend

**Rule 1018.1-1.** As provided by Pennsylvania Rule of Civil Procedure No. 1018.1, the following officer is designated to be named in the Notice to Defend in order to find out where legal help can be obtained: Cumberland County Bar Association, 2 Liberty Avenue, Carlisle, Pennsylvania, (717) 249-3166.

*Note:* This rule was formerly Rule 327. Adopted June 13, 1975, effective July 1, 1975. Amended October 31, 1997, effective January 1, 1998.

##### Rule 206-2.

(a) All motions and petitions shall be initially presented to the Prothonotary, who shall transmit same to the Court Administrator for assignment to a judge for disposition. The motion or petition shall name each judge who has ruled upon any other issue in the same or related matter, and shall specify the issue.

(b) All motions and petitions submitted to the court shall be in writing and shall prominently indicate the individual attorney responsible for the matter. Where that attorney is not the one who personally submits the papers, the names of both attorneys shall be clearly indicated.

(c) All motions and petitions shall contain a paragraph indicating that the concurrence of any opposing counsel of record was sought, and the response of said counsel; provided, that this requirement shall not apply to preliminary objections, motions for judgment on the pleadings, motions for summary judgment, petitions to open or

strike judgments, motions for post-trial relief, suppression motions, motions to quash or dismiss informations, PCRA petitions, habeas corpus petitions challenging the sufficiency or evidence at preliminary hearings, and post-sentence motions.

*Note:* Section (a) changes former practice. Section (b) is derived from former Rule 206-2. Section (c) is an addition to Rule 206-2.

Adopted June 17, 1976, effective July 1, 1976; amended November 27, 1985, effective January 1, 1986; amended as to sub (a) April 1, 1995, effective April 30, 1995; Amended as to sub (c) October 31, 1997, effective January 1, 1998.

[Pa.B. Doc. No. 97-1848. Filed for public inspection November 21, 1997, 9:00 a.m.]

### McKEAN COUNTY

#### Adoption of Rules; No. 158 December Term, 1904

##### Order

*And Now*, this 3rd day of November 1997, the following Rule L303(1) Supporting Memorandum of Law and Rule L1302 Arbitration are hereby promulgated and adopted for use effective thirty days after the date of publication of the rules in the *Pennsylvania Bulletin*.

*By the Court*

JOHN M. CLELAND,  
*President Judge*

##### Proposed Rules

1. Rule L303(1) Supporting Memorandum of Law shall be amended as follows:

(a) "All motions, exceptions, preliminary objections, and petitions, upon filing, must be supported by a brief or memorandum of law in support thereof. If not so supported, then the motion or exceptions shall be summarily disposed of, unless counsel promptly requests permission for good cause to file the required memorandum or brief at a later date.

The Court will then fix a date for the filing of a reply brief and for oral argument. If no reply brief is filed as ordered, then the non-filing party will not be heard at oral argument except by leave of Court.

This rule shall not apply to exceptions taken to the recommendation of the Family Law Master or Permanent Hearing Officer."

(b) By including a note at the end thereof as follows:

##### Note

It is not the intention of this rule to require "full blown" briefs on simple or routine issues. The extent of memorandums of law or briefs submitted in support of the motion should be in proportion to the complexity of the issue which the motion raises.

Consequently, a complicated motion, such as a motion for summary judgment, should be supported by a brief or memorandum which fully discusses the facts and the applicable law.

A routine motion or a motion presenting uncomplicated issues may be supported by a recitation of fact or authority in the motion itself or in a cover letter. In those situations, all that is required is a citation to the appropriate rule, statute or case law which establishes

that the movant is entitled to the relief requested and that the Court has the power to grant it.

Rule L1302 Arbitration shall be amended in its entirety as hereinafter set forth:

#### *Arbitration*

(a) All cases which are at issue, where the amount in controversy (exclusive of interest and costs) shall be \$25,000 or less, except those involving title to real estate, equity actions, actions upon bail bonds and recognizances, actions upon penal statutes, and other actions which do not involve the recovery of money damages, including divorce, mandamus and quo warrant, shall be submitted to and heard and decided by a Board of Arbitration which shall be composed of three (3) attorneys. The Prothonotary shall maintain a list of available arbitrators who shall all be members of the Bar actively engaged in the practice of law primarily in McKean County.

(b) Cases which are not at issue, and whether or not suit has been filed, may be submitted to a Board of Arbitration by agreement of reference signed by all parties or their counsel. The agreement of reference shall define the issues to be submitted to the Board, and, when agreeable to the parties, shall also contain stipulations with respect to facts agreed or defenses waived. When a case is submitted to the Board by agreement of reference, the agreement shall take the place of pleadings and shall be filed of record in the office of the Prothonotary and shall be assigned a number and term.

(c) Cases shall be placed on the arbitration list by one or more of the parties in the case or their counsel filing a Praecipe for Arbitration, together with a listing fee in the amount of \$100. Ten days after the case has been preaccepted onto the list, if no objections thereto have been filed, the Prothonotary shall promptly appoint a panel of three (3) arbitrators to hear and decide the case, and shall forward copies of all pleadings and other documents filed in the case to all arbitrators. The chairman so appointed shall forthwith establish the time, date and place of trial and notify all counsel of record, unrepresented parties, and members of the arbitration panel thereof at least 30 days in advance unless a shorter time is stipulated to. All trials shall be held within 60 days of the date the chairman is appointed by the Court. In the event the matter is settled prior to hearing but after the chairman has scheduled a hearing, \$50 of the filing fee shall be paid to the chairman as reimbursement for office expenses. In the event the matter has been settled prior to hearing and before the chairman has scheduled a hearing, \$50 of the filing fee shall be refunded to the party who paid it. In either event the remaining \$50 shall be retained by the Prothonotary to reimburse expenses. The filing fee shall be charged to the party first listing the case for hearing, and only be assessed one time per case.

(d) Each member of a Board of Arbitrators who has signed the award shall receive as compensation for his services in each case a fee of Two Hundred Fifty (\$250.00) Dollars. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the Board and for cause shown, may allow additional compensation. The members of a Board shall not be entitled to receive their fees until after filing an award with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid from County funds as in the case of all other County debts. Fees paid to Arbitrators shall not be taxed as costs nor follow the award as other costs.

(e) Before entering upon their duties the members of the Board of Arbitrators shall subscribe to an oath to perform their duties and decide the case submitted to them justly and equitably, and with due diligence, which oath shall be filed with their award. In all cases, a decision by majority of the members of the Board of Arbitrators shall be conclusive.

(f) The Board of Arbitrators, or a majority of the members thereof, shall conduct the hearing before them with due regard to the law and according to the established rules of evidence, and shall have the general powers of a court including, but not limited to, the following powers:

(1) To issue subpoenas to witnesses to appear before the Board as in other civil actions, and to issue an attachment upon allowance by the Court for failure to comply therewith.

(2) To compel the production of all books, papers and documents which they shall deem material to the case.

(3) To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and facts of the case submitted to them.

(4) To adjourn their meetings from time to time. Requests for continuances shall be made to the Court of Common Pleas.

(g) If, after the appointment of a Board of Arbitrators, but before hearings, one of the members thereof shall die or become incapable of acting, or shall refuse to attend the hearing, or shall remove or depart from the county, the remaining members of the Board shall, upon agreement of the parties, proceed to hear the matter at issue.

(h) If a member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before an award shall be made, the case shall be decided and the award signed by the remaining members of the Board. If they cannot agree, the matters shall be heard de novo by a new Board, to consist of the remaining members plus a third to be appointed by the Prothonotary.

(i) The Board shall have the right to proceed ex parte in a proper case if, after due notice, one of the parties fails to appear at the hearing and does not request a continuance for good cause.

(j) The Board of Arbitrators shall file an award with the Prothonotary within 20 days after the hearing. The award shall be signed by all or a majority of the members of the Board. The Prothonotary shall file the award and enter the same in the proper dockets and transmit a copy thereof by mail to the parties or their counsel. The Prothonotary shall record any award in the judgment index as verdicts are now recorded.

(k) The award, if any, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a judgment entered by a court of competent jurisdiction. If no appeal is taken within the time allotted therefor, execution process may be issued on the award as in the case of other judgments.

(l) An appeal from an award by the Board of Arbitrators may be taken pursuant to procedure established in the Pennsylvania Rules of Civil Procedure.

(m) All appeals shall be de novo. Despite any costs which a successful appellant may recover from the ad-

verse party, he shall nevertheless not be entitled to recover the arbitrators' fees paid by him as a condition of taking his appeal.

(n) Any party may file exceptions with the Court from the decision of the Board of Arbitration within twenty (20) days from the filing of the award for either or both of the following reasons and for no other:

(1) That the arbitrators misbehaved themselves in the conduct of the case;

(2) That the actions of the Board was procured by corruption or other undue means. If such exceptions shall be sustained, the award of the Board shall be vacated by the Court.

(o) Any case not arbitrable under the foregoing provisions of this Rule may be submitted to arbitration according to the procedure herein provided, by stipulations of all Parties thereto or their counsel.

(p) This Rule shall apply to cases involving more than one claim, including counter claims, if none of such claims exceed \$25,000.

(q) This Rule shall govern cases pending in the Court of Common Pleas of McKean County on the effective date hereof, and all such cases to which the rule shall be applicable which are listed for trial shall be stricken from the trial list and referred to arbitration under the provisions hereof.

(r) The Prothonotary shall provide such printed forms as shall be appropriate to effectuate the provisions of this rule.

(s) All rules of this court or portions thereof which are inconsistent herewith are hereby repealed.

[Pa.B. Doc. No. 97-1849. Filed for public inspection November 21, 1997, 9:00 a.m.]

## SOMERSET COUNTY

### Consolidated Rules of Court; No. 80 Miscellaneous 1997

#### Adopting Order

Now, this 27 day of October, 1997, it is hereby *Ordered*:

1. The following designated Somerset County Rules of Civil Procedure (Som. R.C.P.), following hereto, are hereby adopted as Rules of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som. R.C.P. 212.1. Filing of Pretrial Statement.

Som. R.C.P. 212.2. Pretrial Statement. Content.

Som. R.C.P. 212.3. Pretrial Conferences.

2. Som. R.C.P. 214, relating to civil trials, scheduling, call of list and jury selection, is amended to read in its entirety, as shown on the following revised pages 1, 2 and 3 of Som. R.C.P. 214, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. Som. R.J.A. 1021, relating to civil trial scheduling and pretrial conference, is amended to read in its entirety as shown in the following consisting of one page, containing Som. R.J.A. 1021, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

4. Upon the effective date of the Rules designated above in paragraphs 1, 2, and 3 of this Order, presently existing Som. R.C.P. 212 is rescinded.

5. The Somerset County Court Administrator shall:

A. File ten (10) certified copies of this Order and the following Rules with the Administrative Office of Pennsylvania Courts;

B. Distribute two (2) certified copies of this Order and the following Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. File one (1) certified copy of this Order and the following Somerset County Rules of Civil Procedure with the Pennsylvania Civil Procedural Rules Committee; and

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
*President Judge*

#### Rules of Court

Trial Case

Procedure

Pretrial Conference and Pretrial Statements

##### **Som. R.C.P. 212.1. Filing of Pretrial Statement.**

At least seven days before the pretrial conference, each party shall file a written pretrial statement.

##### **Som. R.C.P. 212.2. Pretrial Statement. Content.**

A pretrial statement shall contain the information required by Pa.R.C.P. 212.2, and in addition, a concise statement of significant propositions of law involved, together with citation of authorities relied upon.

##### **Som. R.C.P. 212.3. Pretrial Conference.**

A. A formal pretrial conference in each jury case shall be scheduled no later than the fourth week preceding commencement of the trial session, unless otherwise scheduled by special order. Pretrial conferences will be scheduled in nonjury cases only on timely motion, and only for cause.

B. A formal record of each pretrial conference will be made and transcribed, and a copy furnished to each counsel and unrepresented party, as of course.

C. Trial counsel for each party must be present unless excused for cause shown. All counsel shall be prepared to summarize in detail the trial testimony of each named witness if requested. Counsel shall be prepared and familiar with the case and shall be authorized to act for their clients with respect to the trial of the case.

D. At the conference, counsel shall also inform the court of the following:

1. Readiness for trial, including all proceedings and actions, if any, to be taken prior to trial; and
2. Estimated trial time; and
3. Chances of settlement.

E. Parties may attend the conference, as counsel shall determine. The court and counsel may interrogate the parties, if called to testify, or to make any record statement, on any relevant matter.

Trial Case

Case Procedure

##### **Som. R.C.P. 214. Civil Trials. Scheduling. Call of List. Jury Selection.**

A. A "trial case" is a case which is ready for plenary jury or nonjury trial on the merits, and: (i) in which a

jury trial is mandated unless waived, (ii) in which a jury trial although not mandated has been ordered by the court, (iii) which is a nonjury civil action at law or in equity filed in the Prothonotary's office which is governed by the Pennsylvania Rules of Civil Procedure, or (iv) which is a paternity action at issue and ready for trial under the Pennsylvania Rules of Civil Procedure governing support and paternity actions.

B. Civil trial cases are ready for trial within the meaning of these rules only when a trial scheduling praecipe is filed with the Prothonotary in the form provided in Som. R.J.A. 1099, available through the Court Administrator's office or Prothonotary's office, or when ordered on the trial list by court order.

C. A final call of the list, for final report of readiness and estimated trial time, shall be held on the first day of the second week preceding commencement of the trial session, at which call, trial counsel must, unless excused for cause, be present to report for readiness for trial.

D. At the call of the list, the report of readiness for trial means that: All parties, witnesses and counsel will (barring unexpected subsequent causes) be available, prepared and present for trial on the scheduled trial date and throughout the trial session until the case is called and trial completed. The readiness report is a professional commitment to the court and to all others in the case as above defined. Therefore, the readiness report certifies that reporting counsel has made the necessary recent inquiries of parties and witnesses in advance so that the readiness report will be informed and dependable. Accordingly, if readiness is qualified in any way for any reason, the court must be informed thereof at the time of the call of the list, and facts which existed and should have been discovered before the readiness report are not cause for later continuance.

E. Trials will begin on the date and time shown on the trial schedule, or as soon thereafter as the preceding case is concluded.

F. Juries for all civil jury trials shall be selected in accordance with the following procedure:

1. Juries for all cases on the trial schedule shall be selected on the first day of the trial session.

2. Jury selection includes voir dire and all steps necessary to be ready for trial, except that the jury will not be sworn until the trial actually begins.

3. Before the jury is sworn, counsel will be permitted additional voir dire, upon request.

*NOTE:* For general scheduling procedures, see Som. R.J.A. 1010 et seq. (Derived from former R50-101, R50-201, R50-204, R50-207, R50-206).

Scheduling Procedure—  
Civil Trial Cases

#### **Som. R.J.A. 1021. Civil Trial Scheduling. Pretrial Conference.**

A formal pretrial conference in each jury case shall be scheduled no later than the fourth week preceding commencement of the trial session, unless otherwise scheduled by special order. Pretrial conferences will be scheduled in nonjury cases only on timely motion, and for cause. (Derived from former R50-204).

*NOTE:* See also Pa.R.C.P. 212.1, 212.2 and 212.3 and corresponding Somerset County Rules of Civil Procedure.

[Pa.B. Doc. No. 97-1850. Filed for public inspection November 21, 1997, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[Correction]

[25 PA. CODE CHS. 72 AND 73]

#### Administration of Sewage Facilities, Planning Program and Standards for Sewage Disposal Facilities (Act 149)

Errors appeared at 27 Pa.B. 5877, 5913, 5930, 5931 (November 8, 1997) in §§ 72.22(a), 73.16(e) and 73.31(b)(4) (relating to permit issuance; absorption and spray field area requirements; and standards for septic tanks). The correct version appears in Annex A hereto.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Subchapter C. PROTECTION OF NATURAL RESOURCES

### CHAPTER 72. ADMINISTRATION OF SEWAGE FACILITIES PERMITTING PROGRAM

#### § 72.22. Permit issuance.

(a) A person may not install, award a contract for construction or construct an individual or community onlot sewage system, or install, construct, occupy or use a building to be served by that system without first obtaining a permit from the local agency, except as provided in subsections (c)—(e).

\* \* \* \* \*

#### § 73.16. Absorption and spray field area requirements.

\* \* \* \* \*

(e) *Spray fields.* Table B shall be used in calculating the square footage of spray fields based on flows determined in subsection (a). Table B includes allowances for garbage grinders, automatic washing machines, dishwashers and water softeners.

**TABLE B**

Soil Characteristics		Slope	Required Spray Field Area (Ft <sup>2</sup> )	
Depth To Rock	Depth To Water Table		3 Bedroom Home	Additional Area Per Bedroom
16 to 20 inches	10 to 40 inches	≤12%	40,000	10,000
		>12%	80,000	20,000
	>40 inches	≤12%	15,000	3,750
		>12%	30,000	7,500
>20 inches	10 to 20 inches	≤12%	20,000	5,000
		>12%	40,000	10,000
	>20 inches	≥12%	10,000	2,500
		>12%	20,000	5,000

### CHAPTER 73. STANDARDS FOR ONLOT SEWAGE TREATMENT FACILITIES

### TREATMENT TANKS

#### § 73.31. Standards for septic tanks.

\* \* \* \* \*

#### (b) *Construction.*

\* \* \* \* \*

(4) Septic tank installations shall consist of tanks with multiple compartments or multiple tanks. The first compartment or tank shall have at least the same capacity as the second but may not exceed twice the capacity of the second. Tanks or compartments shall be connected in series and may not exceed four in number in any one installation.

\* \* \* \* \*

[Pa.B. Doc. No. 97-1818. Filed for public inspection November 7, 1997, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD  
[25 PA. CODE CH. 123]**

[Correction]

**Nitrogen Oxides Allowance Requirements**

An error appeared at 27 Pa.B. 5683, 5696 (November 1, 1997) in Chapter 123, Appendix A. The correct version appears in Annex A hereto.

**Annex**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 123. STANDARDS FOR CONTAMINANTS**

**APPENDIX A**

<i>County</i>	<i>Facility</i>	<i>Combustion Source Name</i>	<i>Point ID</i>	<i>Allowance</i>	<i>Baseline NO<sub>x</sub> lb/MMBtu</i>	<i>Baseline MMBtu</i>
		* * *	* *			
Clinton	International Paper Co.	1 Riley Stoker Vo-Sp	033	145	0.55	1,220,703
Clinton	International Paper Co.	2 Riley Stoker Vo-Sp	034	145	0.55	1,218,878
Clinton	PP&L—Lock Haven	CT 1		3	0.49	14,818
		* * *	* *			

[Pa.B. Doc. No. 97-1776. Filed for public inspection October 31, 1997, 9:00 a.m.]

**PART VII. PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY**

**[25 PA. CODE CHS. 962, 963 AND 965]**

**Water Pollution Control Revolving Fund**

The Board of Directors (Board) of the Pennsylvania Infrastructure Investment Authority (Authority) by this order deletes § 962.1 (relating to value engineering analysis); amends Chapter 963 (relating to Pennsylvania Infrastructure Investment Authority Assistance); and adds Chapter 965 (relating to the Clean Water State Revolving Fund). The amendments set forth the requirements of the Clean Water State Revolving Fund (CWSRF) and provide for a second opinion project review in accordance with sections 5(c)(2) and 6(4) of the Pennsylvania Infrastructure Investment Authority Act (35 P. S. §§ 751.5(c)(2) and 751.6(4)).

**A. Effective Date**

The amendments are effective upon publication in the *Pennsylvania Bulletin*.

**B. Statutory Authority**

The amendments are promulgated under the statutory authority of sections 5(c)(2) and 6(4) of the Pennsylvania Infrastructure Investment Authority Act which grants to the Board the authority to establish the CWSRF; make bylaws for the management and regulation of its affairs make and from time to time adopt, amend and repeal rules and regulations governing the administrative procedures and business of the authority; and accept grants from and enter into contracts or other transactions with any Federal, State or local agency.

**C. Purpose and Background**

The Authority was created on March 1, 1988, by the Pennsylvania Infrastructure Investment Authority Act

(act) (35 P. S. § 751.1—751.20). The Authority is governed by a Board consisting of 13 members. The Authority, acting through its Board awards loans and grants to finance or assist in financing water, sewer and stormwater infrastructure projects to protect the health and safety of the citizens of this Commonwealth and to promote the economic development of this Commonwealth.

The act requires the establishment of a State Revolving Fund in accordance with section 212 of the Water Quality Act of 1987 (33 U.S.C.A. §§ 1251—1387), which provided appropriations necessary for the establishment of the CWSRF through the 1994 Federal fiscal year. Thereafter, the Federal government has provided continuous appropriations even though the Water Quality Act of 1987 has not been reauthorized. The Authority established the CWSRF in compliance with section 212 of the Water Quality Act and closed its first loan funded by the CWSRF on August 15, 1989. Up through June 30 1997, the Authority has disbursed \$324.5 million to finance sewerage infrastructure needs throughout this Commonwealth.

These amendments are necessary to set forth the CWSRF program and to clarify certain requirements which have been changed from those previously required by the Water Quality Act of 1987. One provision is the value engineering requirement which these regulations replace with a less onerous requirement, the second opinion project review. Like value engineering, the second opinion project review has the objective of indicating the most cost effective alternative available to the applicant but rather than utilizing an entire value engineering team to conduct the review, it requires as few as one independent design engineer. Also like the value engineering requirement, the second opinion project review is only required for projects with an anticipated cost of construction plus contingency in excess of \$10 million. The

Authority has determined that value engineering has resulted in sufficient cost savings to warrant the incorporation of a second opinion project review for all projects in Chapter 963.

*D. Summary of Comments and Responses on Proposed Rulemaking*

Notice of proposed rulemaking was published at 25 Pa. B. 3000 (July 29, 1995). The Authority received comments from the Pennsylvania State Association of Township Supervisors (PSATS) and the Independent Regulatory Review Commission (IRRC). Responses to these comments follow.

IRRC recommended that the Authority's threshold for the value engineering requirement be no greater than the Federal threshold of \$10 million and that the parameters that trigger the requirement be more clearly identified. The Authority agrees with IRRC and has changed the threshold for triggering the requirement to a total project construction cost plus contingency in excess of \$10 million dollars. Further, the Authority revised the requirement to make the review less costly to perform and has renamed the section to the second opinion project review.

The PSATS commented on the value engineering requirement referring to it as "simply an unfunded mandate" and further commenting that "[i]t makes no sense to add another layer of costs onto an application merely to save costs. PENNVEST is thus asking the applicant to absorb the cost of the study which is designed to save PENNVEST money."

The Authority does not agree that the value engineering requirement amounts to an unfunded mandate. No one is obligated or mandated to apply to the Authority for financing, therefore an application requirement can not be construed as an unfunded mandate. In any event, the Authority appreciates the concern regarding the increase in cost to the applicant and has revised the requirement to a less costly second opinion project review whereby a single design engineer may evaluate the project rather than a value engineering team and whereby the review is undertaken when the cost of construction plus contingency is greater than \$10 million rather than \$5 million. Further, any cost incurred by the applicant in conducting the review may be eligible for funding from the Authority.

The Authority does not agree with the PSATS suggestion that the value engineering requirement (reconfigured and renamed the second opinion project review) has been designed to save the Authority costs. Rather, it is the Authority's position that the requirement is designed to save the applicant and ultimately the community excessive project costs. The amount of money the Authority has available to finance infrastructure projects is finite. Therefore, the money not disbursed by the Authority for the funding of a particular project is used to fund some other project. In application, the cost savings of one community may be the funding source for another.

The Authority quantified the cost savings for those projects where value engineering was required and found that the average savings was 5.3 times the cost of the value engineering study. Therefore, it is the opinion of the Authority, that the Authority is being fiscally responsible requiring the second opinion project review and by requiring the applicant to incur an additional application cost only to result in a greater project cost savings for the community.

IRRC recommended the Authority clarify the requirements of the value engineering study and require the study be undertaken earlier in the design phase. The

Authority agrees with IRRC and while it revised the value engineering requirement to the less onerous second opinion project review, it clarified the language in the regulation as to what is required. Also at the suggestion of IRRC, the Authority revised § 965.7(b)(1) (relating to second opinion project review) to require completion of the second opinion project review by the time the project design is 20% to 40% complete rather than prior to or at the time the project design is 50% complete.

IRRC suggested the Authority clarify the interrelationship of the Authority and the applicant in various provisions of the regulation regarding the value engineering requirement. To follow are each of IRRC's suggestions and the Authority's respective position: in the proposed rulemaking, IRRC objected to the ambiguity in the requirement that the value engineering team of choice be satisfactory to the Authority. These final-form regulations changed the requirement from a value engineering team to either a single design engineer or a design engineering firm either of which must be independent of the project engineer and the choice of which is no longer subject to the Authority's review and satisfaction. Similarly, IRRC commented that requiring the implementation of the value engineering team's recommendations to the maximum extent possible subject to the Authority's approval needed clarification. The Authority agrees and removes the requirement "subject to the Authority's approval" from § 963.20(b)(4) (relating to second opinion project review) and § 965.7(b)(4). IRRC suggested the Authority place a time frame for rejecting the teams recommendation. The Authority agrees and includes in § 963.20(b)(5) and § 965.7(b)(5) the proviso that the applicant submit its proposal to the Authority within 90-calendar days from the completion of the second opinion project review with its reasons, if any, for not incorporating the second opinion project review recommendations. Finally, IRRC suggested clarification on when the Administrative staff may recommend disapproval to the Board for any portion of a project not incorporating a study recommendation as set forth in §§ 963.20(b)(5)(i) and 965.7(b)(5)(i). The section has been changed to state that the administrative staff may not recommend approval to the Board for that portion of the project. IRRC suggested identifying at what Board meeting this would occur. Since projects go to the Board based upon ranking priority, not date of application, the administrative staff would make its recommendation for approval at the meeting which the project ranks high enough to be funded.

IRRC suggested clarification of the phrase "excessive infiltration/inflow" as stated in § 965.6(a)(4)(i) (relating to application procedures), of the proposed rulemaking. This was, but is no longer, a requirement of the Water Quality Act of 1987 and it, along with § 965.6(a)(4)(iii) has been removed from the final-form regulations.

IRRC recommended that the Authority change § 965.9(h) (relating to loan conditions) from requiring the borrower to maintain financial records in accordance with government accounting standards to requiring compliance with Generally Accepted Accounting Principles. The Authority requires borrowers, of its funding programs, to comply with the less restrictive government accounting principles and has done so from inception. Having had no problem with this requirement and the borrower's understanding of what is required, the Authority sees no reason to require a more expansive standard than that imposed by the Federal government under the Water Quality Act of 1987.



Finally, IRRC recommended deleting the Authority's statement of policy in § 962.1. The Authority agrees and is reserving the section.

*E. Compliance with Executive Order 1996-1, Regulatory Review and Promulgation.*

The Authority reviewed these amendments and considered their purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. These amendments address a compelling public health interest in setting forth the requirements for obtaining affordable financing from the CWSRF for the construction or rehabilitation of community sewerage systems in this Commonwealth. These amendments offer communities a cost effective way to address environmental concerns, some of which would not be addressed without the CWSRF financing.

*F. Fiscal Impact and Paperwork Requirements.*

These amendments will not have a negative fiscal impact on the Commonwealth, or political subdivisions or the private sector. In fact, cost savings can be anticipated for the applicant through the incorporation of the second opinion project review requirement.

These amendments will not cost the Commonwealth any new money. The CWSRF has been operational since 1989. The funding for the CWSRF comes from Federal appropriations under the Water Quality Act of 1987 and a 20% match in State funding. The Water Quality Act of 1987 only authorized appropriations up through the 1994 Federal Fiscal year. In any event, the Commonwealth has applied for and received continuous appropriations for the CWSRF from the Federal government up through the 1997 Federal fiscal year and has no reason to believe it won't receive another appropriation in 1998, despite the fact that the Water Quality Act of 1987 has not been reauthorized. The State match money required by the CWSRF comes from loan repayments of principal and interest and interest earned on investments of the Authority, as well as, certain previously authorized Commonwealth General Obligation Bond proceeds.

Since inception, the CWSRF has required value engineering for projects with costs exceeding \$10 million. The value engineering analysis involves hiring a team to conduct an extensive review of the proposed project. These amendments reduce that requirement to a less extensive and less expensive requirement, the second opinion project review. Like the value engineering analysis, the second opinion project review is designed to save the applicant money on its project costs. In addition, it will reduce the cost of the requirement.

The amendments will not affect the paperwork requirements in this Commonwealth or political subdivisions or the private sector except that less paperwork from the applicant will be required as a result of the elimination of § 965.6(a)(4)(i) and (iii), Davis Bacon Wage Rates as set forth in the Davis-Bacon Act (40 U.S.C.A. § 276(a)—276(a)(5)) and certain other Title II requirements of the Water Quality Act of 1987, deleted from the Appendix and the final-form regulations.

The application forms are provided by the Authority as well as all loan documents. Additional documents and information required by these regulations are routinely generated in the course of sound business and engineering practice. The reporting requirements are reduced to the minimum necessary to validate disbursements and record the progress of the project and status of the loan and to comply with Federal requirements. In most in-

stances, the annual financial report of the facility or system can be used rather than a special budget report. The paperwork requirements are minimized to the extent possible consistent with prudent management of the Commonwealth and Federal funds.

*G. Sunset Date*

These final-form regulations will be reviewed periodically by the Authority. In addition, the administrative staff of the Authority will continuously monitor the program for backlogs and unnecessary delays in processing financial assistance applications and advise the Board of unnecessary administrative burdens on applicants. Accordingly, no sunset date is being established for the regulations at this time.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Authority submitted a copy of the notice of proposed rulemaking published at 25 Pa.B. 3000 to IRRC and to the Chairpersons of the Senate Committee on Environmental Resources and Energy and the House Committee on Appropriations (Committees). In addition to the proposed rulemaking, IRRC and the Committees were provided a copy of the regulatory analysis form prepared by the Authority in compliance with the then applicable Executive Order 1982-2 "Improving Government Regulations." Further, the Authority provided IRRC and the Committees with copies of the comments received on the proposed rulemaking as is required by section 5(b.1) of the Regulatory Review Act.

In preparing the final-form regulations, the Authority considered the comments received from IRRC, the Committees, the public and the informal comments received from the Department of Environmental Protection.

Under section 5(b.4) of the Regulatory Review Act, the Authority submitted the regulations as final-form rulemaking on August 21, 1997, to IRRC and the Committees. In addition to the final-form rulemaking, the Authority provided IRRC and the Committees with a regulatory analysis form prepared by the Authority in compliance with the Executive Order 1996-1, "Regulatory Review and Promulgation," and the Regulatory Review Act. A copy of this material is available to the public upon request. On September 10, 1997, the Authority submitted a written request to IRRC to toll the regulatory review period, under section 5.1(g) of the Regulatory Review Act (71 P. S. § 745.5a(g)), to revise certain typographical errors in the regulations. IRRC did not object to the request for tolling and the Authority submitted the revised final-form regulations on September 18, 1997, to IRRC and the Committees.

The final-form regulations were deemed approved by the Committees on September 28, 1997, and approved at public meeting by IRRC on October 9, 1997, in accordance with section 5(c) of the Regulatory Review Act.

*I. Contact Person*

Further information may be obtained by contacting Jayne B. Blake, Assistant Counsel, Pennsylvania Infrastructure Investment Authority, Keystone Building, 22 South Third Street, Harrisburg, PA 17101 (717) 783-6776. Email address: jblake@pennvest.pa.state.us.

*J. Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968

(P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These amendments do not enlarge the purpose of the proposed rulemaking published at 25 Pa. B. 3000.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

**K. Order**

The Authority, acting under its authorizing statute orders that:

(a) The regulations of the Authority, 25 Pa. Code Chapters 962, 963 and 965, are amended by amending §§ 963.1 and 963.11; by deleting § 962.1; and by adding §§ 963.20 and 965.1—965.10 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Authority shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Authority shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

PAUL K. MARCHETTI,  
*Executive Director*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 5561 (October 25, 1997).)

**Fiscal Note:** 101-003. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART VII. PENNSYLVANIA INFRASTRUCTURE  
INVESTMENT AUTHORITY ASSISTANCE**

**CHAPTER 962. (Reserved)**

**§ 962.1. (Reserved).**

**CHAPTER 963. PENNSYLVANIA  
INFRASTRUCTURE INVESTMENT AUTHORITY  
ASSISTANCE**

**§ 963.1. Definitions.**

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Applicant*—An owner or operator of a facility or system for the collection, treatment or disposal of wastewater, including industrial wastewater, or for the collection, treatment, storage or distribution of drinking water or of nonpoint source projects or estuary protection projects that submits a written application requesting financial assistance.

*Approved applicant*—An applicant whose application for financial assistance has been approved by the Board.

\* \* \* \* \*

*Binding commitment*—A legal obligation between the Authority and an approved applicant that defines the

terms and conditions for financial assistance from the Authority including assistance from the Clean Water State Revolving Fund.

\* \* \* \* \*

*Borrower*—An approved applicant who has entered into a binding commitment with the Authority.

*Clean Streams Law*—The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Clean Water Act*—The Federal Water Pollution Control Act of 1977, as amended by the Water Quality Act of 1987 (33 U.S.C.A. §§ 1251—1387).

\* \* \* \* \*

*Construction*—Actions necessary for the erection, building, acquisition, alteration, remodeling, improvement or expansion of drinking water or sewerage facilities or nonpoint source projects or estuary protection projects.

\* \* \* \* \*

*EPA*—The United States Environmental Protection Agency.

\* \* \* \* \*

*Estuary protection project*—A project necessary for development and implementation of an estuary conservation and management plan under section 320 of the Clean Water Act (33 U.S.C.A. § 1330).

\* \* \* \* \*

*Nonpoint source project*—A project which does not have a discernable or confined discrete conveyance, and which is necessary for the implementation of a nonpoint source pollution control program under section 319 of the Clean Water Act (33 U.S.C.A. § 1329).

*Operation/maintenance costs*—Costs associated with activities required to assure the dependable, efficient and economical function of wastewater or drinking water facilities, nonpoint source projects and estuary protection projects or costs associated with the preservation of the functional integrity and efficiency of equipment and structures, including preventative maintenance and replacement equipment.

*Part I Permit*—A National Pollutant Discharge Elimination System (NPDES) permit issued by the Department under section 5 of The Clean Streams Law (35 P. S. § 691.5) and section 402 of the Clean Water Act (33 U.S.C.A. § 1342).

*Part II permit*—A Water Quality Management permit issued by the Department under section 5 of The Clean Streams Law.

*Project*—The eligible costs associated with the acquisition, construction, improvement, expansion, extension, repair or rehabilitation of all or part of any system or facility, whether publicly or privately owned:

(i) For the collection, treatment or disposal of wastewater, including industrial waste, or for nonpoint source projects or estuary protection projects.

(ii) For the supply, treatment, storage or distribution of drinking water.

(iii) In a public system or facility for the control of stormwater, which may include, the transport, storage and infiltration of stormwater, or costs for the best management practices to address point or nonpoint source pollution associated with stormwater runoff, or

other innovative techniques identified in the county-prepared watershed plan under the Storm Water Management Act.

\* \* \* \* \*

*Second opinion project review*—A review and evaluation of a project engineering design which shall include the analysis of the basic functions of a facility, system or process and shall identify alternatives, if any, for achieving these basic functions at lower costs or increased revenues. The evaluation shall be conducted by a design engineer or design engineering firm, at the discretion of the applicant. The design engineer or design engineering firm chosen by the applicant shall be independent of the project engineer and shall be a professional engineer licensed by the Commonwealth.

\* \* \* \* \*

*Sewage Facilities Act*—The Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

\* \* \* \* \*

*Useful life*—The period of time for which a facility operates and serves its intended purpose.

*User*—A single connection to a system.

\* \* \* \* \*

#### § 963.11. Eligible costs.

(a) In addition to the costs eligible for assistance enumerated in the act, eligible project costs considered by the Board include the following:

(1) Project design and engineering incorporated in the final project, including the development of prefeasibility, feasibility and planning studies, plans, specifications, cost estimates, surveys, project inspection and management and costs associated with the completion of a second opinion project review required under § 963.20 or § 965.7 (relating to second opinion project review).

\* \* \* \* \*

#### § 963.20. Second opinion project review.

(a) If the total estimated construction cost plus any amount allocated for contingency for a project is greater than \$10 million, the applicant shall have a second opinion project review completed.

(1) Prior to project design, an applicant shall participate in a project consultation with the Department and, if required by this section, shall make plans for a second opinion project review.

(2) An applicant shall provide the Department with a time line indicating the anticipated beginning and end dates of the second opinion project review if a review is required by this section.

(b) An applicant shall meet the following requirements when undertaking a second opinion project review:

(1) The second opinion project review shall be planned for and completed by the time the project design is 20% to 40% complete, unless the applicant requests in writing from the Authority an extension of time due to some reasonable and unforeseen circumstance.

(2) The second opinion project review shall focus primarily on the treatment facilities but shall also include an analysis of the total project design. In either case, the review shall include an evaluation of cost effectiveness, complexity and impact of the project on the community.

(3) Upon completion of the second opinion project review, the reviewer shall provide a written report to the

applicant which summarizes findings and describes proposed implementation of recommendations. The written report of the second opinion project review shall be issued under seal of a professional engineer licensed to practice in this Commonwealth.

(4) The applicant shall cause the implementation of the reported recommendations to the maximum extent feasible.

(5) A copy of the second opinion project review shall be submitted to the Authority along with a proposal addressing each recommendation and their incorporation into the project design unless to do so would not be cost effective, reliable or reasonable based upon the delay it would cause in the project or because to do so would cause an unreasonable burden upon a factor critical to the treatment or collection system and the environmental impact of the project. The copy of the second opinion project review and the applicant's proposal shall be submitted to the Authority within 90-calendar days from the completion of the review.

(i) If the Authority disagrees with the reason set forth by the applicant for not adopting a second opinion project review recommendation, the administrative staff may not recommend approval of financial assistance to the Board for that portion of the project.

(ii) An applicant may appeal the administrative staff's recommendation to the Board, in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(c) The second opinion project review report may be used by the administrative staff in the cost effectiveness evaluation performed during the application review process.

### CHAPTER 965. CLEAN WATER STATE REVOLVING FUND

Sec.

965.1.	Definitions.
965.2.	Applicability.
965.3.	Eligibility.
965.4.	Eligible costs.
965.5.	Preapplication procedures.
965.6.	Application procedures.
965.7.	Second opinion project review.
965.8.	Terms of financial assistance.
965.9.	Loan conditions.
965.10.	Statutory and procurement requirements.

#### § 965.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Ad valorem tax*—A tax based on the value of real property.

*Affirmative performance certificate*—A certification by the borrower 1 year following the date of initiation of operation stating that the wastewater treatment portion of the project is capable of meeting the design specifications and effluent limitations in the NPDES Part I Permit.

*CWSRF—Clean Water State Revolving Fund*—The funding account established in accordance with the requirements of both the act and the Water Quality Act for the purpose of establishing an environmental infrastructure revolving loan program.

*Capital financing plan*—A 10-year plan which projects future requirements for wastewater treatment service within the applicant's jurisdiction which includes a description of necessary future expansions or reconstruction

for wastewater treatment services, or both, and how this future expansion or reconstruction will be financed.

*Corrective action report*—A report submitted by the borrower if an affirmative performance certification cannot be provided following the 1-year performance period containing an analysis of the causes of the inability to certify, a schedule for the necessary corrective actions and a date that an affirmative performance certification is expected.

*General facilities plan*—The plans and studies which directly relate to sewerage facilities which are needed to comply with the Water Quality Act and The Clean Streams Law.

*IUP—Intended Use Plan*—A plan identifying the intended uses of the moneys in the CWSRF and describing how those uses support the goals of the CWSRF.

*Infiltration*—Groundwater entering a sewer system through broken pipes, defective pipe joints or illegal connections of foundation drains.

*Inflow*—Surface water runoff that enters a sewer system through manhole covers; exposed, broken and defective pipe joints; cross connections between storm sewers and sanitary sewers; and illegal connections of roof leaders, cellar drains, yard drains or catch basins.

*Initiation of operation*—The date specified by the borrower when the project begins operation for the use for which it was planned, designed and built. The term includes only essential facilities considered functional and does not include nonoperational facilities such as landscaping which may not have been completed.

*NEPA*—The National Environmental Policy Act of 1969 (42 U.S.C.A. §§ 4321—4347)

*NPDES permit*—A National Pollutant Discharge Elimination System permit. A permit issued by the Department of Environmental Protection under section 5 of The Clean Streams Law (35 P.S. § 691.5) and section 402 of the Clean Water Act (33 U.S.C.A. § 1342).

*Project priority list*—The list of identified public sewerage project needs in this Commonwealth established in accordance with Chapter 103 (relating to financial assistance).

*SERP—State Environmental Review Processes*—Processes based upon adopted State regulations set forth in Chapters 71, 109, 963 and 965 which include procedures substantially equivalent to a NEPA review, as described by 40 CFR Part 6, Subparts A—E.

*Sewer use ordinance*—An ordinance or resolution adopted by a governmental unit establishing the requirements for the users of the sewerage facilities. The requirements include:

- (i) The prohibition of new connections from inflow sources.
- (ii) The design and construction of new connections in accordance with local municipal plumbing codes.
- (iii) Wastewater may not contain toxics or pollutants in amounts which endanger public safety or the physical integrity of the sewerage facilities as determined by criteria in 40 CFR Part 403 (relating to general pretreatment regulations for existing and new sources of pollution).
- (iv) The prohibition against violations of effluent limits or water quality limits as outlined in the NPDES permit.

*User charge system*—The method by which charges are levied on users of sewerage systems, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of debt service, operation and maintenance (including replacement) of that system. The user's proportionate share shall be based on the ratio of the user's contribution to the total wastewater loading from all users. The user charge system shall also include the following:

(i) A provision that each user will receive annual written notice of the user rate which may be in the form of a bill or a form satisfactory to the Authority.

(ii) A provision for a financial management system which will accurately account for revenues and expenditures of the sewer system.

*Water Quality Act*—The Water Quality Act of 1987 (33 U.S.C.A. §§ 1251—1387).

## § 965.2. Applicability.

(a) This chapter applies to governmental units which own sewerage facilities and which apply for financial assistance for sewerage projects and governmental units or private individuals who are constructing or maintaining nonpoint source projects or estuary protection projects.

(b) Chapter 963 (relating to Pennsylvania Infrastructure Investment Authority Assistance) also applies to this chapter except to the extent it is inconsistent with this chapter.

## § 965.3. Eligibility.

Eligible applicants are governmental units which own or will own sewerage facilities or governmental units and private individuals who are constructing or maintaining nonpoint source projects or estuary protection projects.

## § 965.4. Eligible costs.

Eligible costs include:

- (1) Costs approved by the Board which are necessary for construction of public sewerage facilities.
- (2) Costs approved by the Board which are necessary for construction associated with secondary treatment or advanced treatment, or both.
- (3) Costs approved by the Board which are necessary for construction associated with cost-effective alternatives to secondary treatment or advanced treatment, or both.
- (4) Costs approved by the Board which are necessary for the construction of interceptor sewers.
- (5) Costs approved by the Board which are necessary for construction associated with the correction of an infiltration/inflow problem.
- (6) Costs approved by the Board which are necessary for construction associated with the rehabilitation or replacement of collector sewer systems only when the applicant demonstrates that the collector sewer system is necessary to assure the total integrity of the sewerage system.
- (7) Costs approved by the Board which are necessary for construction of new collector systems only when the applicant demonstrates that sufficient treatment capacity exists.
- (8) Costs associated with the completion of the second opinion project review required under § 965.7 (relating to second opinion project review).

(9) Other eligible costs as defined under § 963.1 (relating to definitions) which are approved by the Board, except that costs associated with the purchase of land for rights of way or easements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C.A. §§ 4601—4655), are not eligible.

(10) Costs associated with the refinancing of local debt incurred after March 5, 1985, only when the applicant demonstrates the following:

(i) The construction started after March 5, 1985, but before March 1, 1988.

(ii) The original debt was incurred to comply with a State or Federal compliance schedule.

(iii) The project has met the requirements of the Water Quality Act.

(iv) The project has undergone an environmental review as required by the Department.

(11) Costs associated with the refinancing of local debt incurred after March 1, 1988, only when the applicant demonstrates that it meets the requirements of § 963.17 (relating to funding limitations).

(12) Costs approved by the Board which are necessary for the implementation of a nonpoint source project or estuary protection project.

#### **§ 965.5. Preapplication procedures.**

An applicant may be required to attend a preapplication conference during which financial assistance documents will be identified and explained. This conference will not be considered as part of the formal application procedure and verbal statements made during the conference will not bind the Authority, the Department or the applicant.

#### **§ 965.6. Application procedures.**

(a) In addition to the requirements under Chapter 963 (relating to Pennsylvania Infrastructure Investment Authority Assistance), an applicant for sewerage facilities shall also include the following information in the application:

(1) An ordinance or resolution passed by the governmental unit authorizing the filing of the application and identifying the individuals authorized to sign the application and act on behalf of the governmental unit.

(2) Two separate ordinances or resolutions authorizing the governmental units to file an application and designate the governmental unit to be the lead applicant and a draft of an intermunicipal agreement, if two or more governmental units are filing one application.

(3) A written statement that the applicant will comply with applicable Federal and State laws and regulations required for projects funded by the CWSRF.

(4) A comprehensive official sewage plan or update revision developed in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20) and Chapter 71 (relating to Administration of Sewage Facilities Planning Program) and which includes the following requirements of projects funded by the CWSRF:

(i) A written certification that innovative and alternative technologies were considered and evaluated when developing solutions to the applicant's needs.

(ii) A written certification that the applicant had one public hearing before the adoption of its comprehensive official sewage plan.

(5) A written certification that the project is included in the governmental unit's official sewage plan or revision approved by the Department under the Pennsylvania Sewage Facilities Act.

(6) A written certification that the project will comply with the CWSRF program and will undergo the SERP as required by the Department and the Authority.

(7) A copy of permits or approvals necessary for the completion of the project as designed except for permits or approvals which cannot be obtained until construction is started.

(8) A copy of a draft sewer ordinance and a draft ordinance establishing a user charge system.

(9) A copy of a draft engineering agreement for building services.

(10) A copy of the Capital Financing Plan.

(11) Other information which may be required by the Authority to demonstrate the applicant's compliance with the laws of the Commonwealth and to effectuate the purposes of the act and the CWSRF.

(b) In addition to the requirements under Chapter 963, applicants for nonpoint source projects or estuary protection projects shall also include a written certification that the applicant will comply with applicable Federal and State laws and regulations required for projects funded by the CWSRF.

(c) An applicant is not required to supply duplicate copies of information when satisfying the application requirement of this section. The applicant may meet this requirement by referencing another part of the application where this information is being supplied.

(d) The IUP will be prepared by the Authority based upon a proposed annual budget and the project priority list and will contain proposed fundable projects. The IUP will consist of those projects which are expected to be funded. A project on the IUP may be bypassed when the Authority determines that the project on the approved IUP list is not ready to proceed, the applicant has other funds available at reasonable rates, or the project is ineligible under the act or this chapter. A project from the project priority list may replace a project from the IUP. These projects shall be ready to proceed and also meet the requirements of this chapter.

(e) The IUP may be amended to remove projects which are ineligible or add projects from project priority list.

#### **§ 965.7. Second opinion project review.**

(a) If the total estimated construction cost plus any amount allocated for contingency for a project is greater than \$10 million, the applicant shall have a second opinion project review completed.

(1) Prior to project design, the applicant shall participate in a project consultation with the Department and, if required by this section, shall make plans for a second opinion project review.

(2) When a second opinion project review is required, applicant shall provide the Department with a time line indicating the anticipated beginning and end dates for the review

(b) An applicant shall meet the following requirements when undertaking a second opinion project review:

(1) The second opinion project review shall be planned for and completed by the time the project design is 20% to 40% complete, unless the applicant requests from the

Authority in writing an extension of time due to some reasonable and unforeseen circumstance.

(2) The second opinion project review shall focus primarily on the treatment facilities but shall also include an analysis of the total project design and shall include an evaluation of the cost effectiveness, complexity and impact of the project on the community.

(3) Upon completion of the second opinion project review, the reviewer shall provide a written report to the applicant which summarizes findings and describes proposed implementation of recommendations. The second opinion project review report shall be issued under seal of a professional engineer licensed to practice in this Commonwealth.

(4) The applicant shall cause the implementation of the reported recommendations to the maximum extent feasible.

(5) A copy of the second opinion project review report shall be submitted to the Authority along with a proposal submitted by applicant discussing each recommendation and its incorporation in the project design except when to do so would be cost ineffective or unreliable or would cause unreasonable delay in the project or would result in some other unreasonable burden upon a factor critical to the treatment or collection system and the environmental impact of the project. The second opinion project review and the proposal shall be submitted by the applicant to the Authority within 90-calendar days following the completion of the second opinion project review.

(i) If the Authority disagrees with the reason set forth by the applicant for not adopting a second opinion project review recommendation, the administrative staff may not recommend approval of financial assistance to the Board for that portion of the project.

(ii) An applicant may appeal the Board recommendation of the administrative staff to the Board in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(c) The second opinion project review report may be used by the administrative staff in the cost effectiveness evaluation performed during the application review process.

#### **§ 965.8. Terms of financial assistance.**

Financial assistance from the CWSRF shall be in the form of loans and the loans may not be longer than the term permitted by section 603(d)(1)(A) of the Water Quality Act (33 U.S.C.A. § 1383(d)(1)(A)).

#### **§ 965.9. Loan conditions.**

(a) The borrower shall certify in writing that it has the legal, institutional and financial capability to implement the project over its entire design life. For sewerage facilities, this certification shall include the following:

(1) A certified copy of its sewer use ordinance which shall be enacted prior to receiving 95% of the loan funds.

(2) A certified copy of its ordinance or resolution establishing a user charge system, which shall be implemented prior to receiving 95% of the loan funds.

(b) The borrower shall certify in writing that the project has met the requirements of the CWSRF and undergone a SERP as required by the Department and the Authority.

(c) The borrower shall meet project performance standards within 1 year after the initiation of operation in

accordance with The Clean Streams Law design specifications and the effluent requirements of its NPDES permit.

(d) The borrower shall submit an affirmative performance certification within 1 year after the initiation of operation.

(e) If the borrower cannot submit an affirmative performance certification, the borrower shall submit a corrective action report.

(f) The borrower shall provide the Authority with the right to audit its sewer use ordinance or its user charge system.

(g) The borrower shall provide the Authority with status reports at the Authority's request until the project is completed.

(h) The borrower shall maintain financial records in accordance with governmental accounting standards and conduct an annual audit of the financial records as required by the CWSRF and the Single Audit Act of 1984 (31 U.S.C.A. §§ 7501—7507) and the corresponding regulations at 15 CFR Part 8 Subpart A (relating to general provisions; prohibitions: nondiscrimination clause; applicability to programs).

#### **§ 965.10. Statutory and procurement requirements.**

(a) The borrower shall comply with State and Federal laws, including those listed in Appendix A, for project-related activities, including related procurement actions for equipment, construction, engineering, management, financial, legal or other services or goods.

(b) The Authority may approve a noncompetitive procurement proposal under one or more of the following circumstances:

(1) The borrower can only obtain the equipment, goods or services from a single source.

(2) The borrower demonstrates that there is a public emergency. The Authority will seek independent confirmation from the Department or other appropriate State or Federal agencies that a public emergency justifying a noncompetitive procurement proposal exists.

#### **APPENDIX A**

The requirements for funds received from the CWSRF shall include requirements found in the following Federal statutes, Executive Orders and regulations:

(1) The act of May 24, 1974 (Pub. L. No. 93-291, 88 Stat. 174) (16 U.S.C.A. §§ 469—469c), known as the Archaeological and Historical Preservation Act of 1974.

(2) Section 176(c) of the Clean Air Act (42 U.S.C.A. § 7506 (c)).

(3) Sections 2—17 of the Endangered Species Act of 1973 (16 U.S.C.A. §§ 1531—1543).

(4) Executive Order 11593, Protection and Enhancement of the Cultural Environment.

(5) Executive Order 11988, Floodplain Management.

(6) Executive Order 11990, Protection of Wetlands.

(7) Title XV of the Farmland Protection Policy Act (7 U.S.C.A. §§ 4201—4209).

(8) The Fish and Wildlife Coordination Act (16 U.S.C.A. §§ 661—666(c)).

(9) The National Historic Preservation Act of 1966 (16 U.S.C.A. §§ 470—470 W-6).

(10) Section 1424(e) of the Safe Drinking Water Act (42 U.S.C.A. § 300 H-3).

(11) The Wild and Scenic Rivers Act (16 U.S.C.A. §§ 1271—1287).

(12) The Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C.A. §§ 3301—3374).

(13) Section 306 of the Clean Air Act (42 U.S.C.A. § 7601) and section 508 of the Clean Water Act (33 U.S.C.A. § 1368), including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants or loans.

(14) The Age Discrimination Act of 1975 (42 U.S.C.A. §§ 6101—6107).

(15) The Civil Rights Act of 1964 (42 U.S.C.A. §§ 1981—2000g).

(16) Executive Order 11246, 30 FR 12319, as amended by Executive Order 11375, 32 FR 1403, as amended by Executive Order 11478, 34 FR 12985, as amended by Executive Order 12007, 42 FR 34617 (Women and Minority Business Enterprise).

(17) Executive Order 11625, 36 FR 19967, as amended by Executive Order 12007, 42 FR 42839, and Executive Order 12138, 44 FR 29637, as amended by Executive Order 12608, 42 FR 34617 (Women and Minority Business Enterprise).

(18) The Rehabilitation Act of 1973 (29 U.S.C.A. §§ 701—796(h) (including Executive Orders 11914 and 11250).

(19) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C.A. §§ 4601—4655).

(20) Executive Order 12549, 51 FR 6370 (Debarment and Suspension).

(21) The Single Audit Act of 1984 (31 U.S.C.A. §§ 7501—7507) and the corresponding regulations at 15 CFR Part 8 Subpart A (relating to general provisions; prohibitions: nondiscrimination clause; applicability to programs).

[Pa.B. Doc. No. 97-1851. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Title 28—HEALTH AND SAFETY

### DEPARTMENT OF HEALTH

#### [28 PA. CODE CHS. 6 AND 25]

#### Drugs Which May Be Used By Qualified Optometrists; Schedules of Controlled Substances

The Department of Health (Department) is amending Chapter 6 (relating to drugs which may be used by certain optometrists) by adding Rev-Eyes (Dapiprazole HCL) to the list of drugs which optometrists may use in the course of their practice in § 6.1 (relating to approved drugs).

The Department is also amending the schedules of controlled substances in Chapter 25 (relating to controlled substances, drugs, devices and cosmetics). The amendments under this section will reschedule one substance from Schedule I to Schedule II and add three previously

unscheduled substances to Schedule I of the controlled substances list in § 25.72 (relating to schedules of controlled substances).

#### A. Statutory Authority

The statutory authority for the amendment to the list of drugs which optometrists may use in the course of their practice is derived from section 2 of the Optometric Practice and Licensure Act (OPL act) (63 P. S. § 244.2). The statutory authority for the amendment to the schedules of controlled substances are sections 103 and 104 of The Controlled Substance, Drug, Device and Cosmetic Act (CSDDC act) (35 P. S. §§ 780-103 and 780-104). Both amendments are also adopted under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

#### B. Purpose of the Amendments

##### *Chapter 6 (relating to drugs which may be used by certain optometrists)*

Under the OPL act, optometrists who are certified by the State Board of Optometry to do so, may prescribe and administer certain drugs approved by the Secretary of Health (Secretary). The Department has approved a request from the State Board of Optometry to add Rev-Eyes (Dapiprazole HCL) to the list of approved drugs.

##### *Chapter 25 (relating to controlled substances, drugs, devices and cosmetics)*

The CSDDC act recognizes the fact that there is a need to control substances which have potential for abuse while also recognizing that some of those substances have medical uses. The CSDDC act provides for a system of five schedules of controlled substances as a means of grouping potentially dangerous substances based on their differing potentials for abuse and on their potential for medical use. Penalties for illegal use of the controlled substances vary according to the schedule on which the substance is listed. The health and safety of the public is protected by having a substance placed on the proper schedule. Additionally, proper scheduling ensures appropriate enforcement when a substance is abused or otherwise used illegally.

The CSDDC act requires that a controlled substance be placed in Schedule I when there is : (1) a high potential for abuse; (2) no currently accepted medical use in the United States; and (3) a lack of accepted safety for use under medical supervision. A controlled substance is placed in Schedule II when there is : (1) a high potential for abuse; (2) currently accepted medical use in the United States or currently accepted medical use with severe restrictions; and (3) abuse may lead to severe psychic or physical dependence.

The final-form regulations reschedule Levo-Alpha-Acetyl-Methadol (LAAM), previously listed in Schedule I of the schedules of controlled substances, to Schedule II. They further list Methcathinone, 4 Bromo 2, 5 Dimethoxyphenethylamine and Dimethylamphetamine, all previously unscheduled substances, in Schedule I.

#### C. Summary of Regulations

##### *Rev-Eyes (Dapiprazole HCL)*

The Secretary of Health, upon the advice from the Drug, Device and Cosmetic Board, is adding the ophthalmic use only product Rev-Eyes (Dapiprazole HCL) to the approved drug products listed in § 6.1(a)(2). Rev-Eyes (Dapiprazole HCL) is a drug that reverses pupillary dilation (pupil enlargement) and partially reduces cycloplegia (paralysis of focusing muscle), two effects of diagnostic eyedrops used in routine eye examinations.

The reversal of these effects permits the patient to leave the doctor's office with less light sensitivity and improved visual performance.

*Levo-Alpha-Acetyl-Methodol (LAAM)*

The Secretary, upon the advice of the Drug, Device and Cosmetic Board, finds that placing the Schedule I narcotic known as Levo-Alpha-Acetyl-Methodol (LAAM) into Schedule II will make it available as an alternative to methadone in substance abuse treatment facilities in this Commonwealth. In 1993, the Federal Drug Enforcement Administration transferred LAAM from Schedule I into Schedule II of the Federal Controlled Substances Act.

LAAM is a synthetic opiate developed in 1948 and clinically tested for treatment of opiate dependence since 1968. LAAM's primary advantage over methadone, the current approved drug for maintenance treatment, is its ability to relieve and prevent opiate withdrawal symptoms in addicts for up to 72 hours. Due to its long duration of action, the frequency of visits to a clinic can be reduced from daily to three times weekly even for patients just entering treatment. In general, addicts find participation in treatment more acceptable and return to the clinic more regularly. This is especially true for those addicts trying to engage in work, education or rehabilitation activities outside of the clinic, because travel time and effort is greatly reduced.

In addition, researchers found that LAAM offers the patient a smoother, sustained drug effect. Oral consumption even during the period of escalating doses did not produce excessive sedation or subjective euphoria. Researchers also emphasize that LAAM is less likely to be a reinforcer of daily drug taking behavior than methadone since a three times weekly dosage schedule frees the patient from the daily necessity of engaging in drug seeking and drug taking behavior.

Facilities utilizing LAAM for treatment of narcotic addiction will be subject to compliance with the requirements of the Narcotic Addict Treatment Act of 1974 (Pub. L. 93-281) and numerous regulations, both State and Federal, concerning narcotic treatment programs. The Department's Division of Drug and Alcohol Program Licensing currently inspects narcotic treatment facilities twice per year for compliance with these regulations.

*Methcathinone HCL; 4 Bromo 2, 5 Dimethoxyphenethylamine and Dimethylamphetamine*

In addition, the Secretary, upon the advice of the Drug, Device and Cosmetic Board is placing Methcathinone HCL; 4 Bromo 2, 5 Dimethoxyphenethylamine; and Dimethylamphetamine into Schedule I of the controlled substances listing.

*Methcathinone HCL*

Methcathinone HCL is produced for street distribution in clandestine laboratories. There are no indications of current medical use of Methcathinone HCL in or outside of the United States. It has a high potential for abuse and is administered by nasal insufflation, oral ingestion, intravenous injection and smoking. Methcathinone HCL produces pharmacological effects and appears to have an abuse potential similar to that of amphetamines. It is usually sold as itself under street names of "CAT" and "GOOB." In 1993, the Drug Enforcement Administration placed Methcathinone HCL into Schedule I of the Federal Controlled Substances Act (21 U.S.C.A. § 823).

*4 Bromo 2, 5 Dimethoxyphenethylamine*

4 Bromo 2, 5 Dimethoxyphenethylamine has been represented as 3, 4 Methylenedioxy Methamphetamine

(MDMA) and has been sold in sugar cubes as LSD. More recently, it has been promoted as an aphrodisiac and distributed under the product name of NEXUS whose purported active ingredient is brominated cathinine. It is produced for street distribution in clandestine laboratories and has no known medical use. In 1994, the Drug Enforcement Administration placed this drug into Schedule I of the Federal Controlled Substances Act.

*Dimethylamphetamine*

Dimethylamphetamine is a drug which produces a significant central nervous system stimulant. Dimethylamphetamine is routinely sold on the street as methamphetamine or speed and is produced in clandestine laboratories. There are no known medical uses for this drug. In 1990, the Drug Enforcement Administration placed Dimethylamphetamine into Schedule I of the Federal Controlled Substances Act.

*D. Public Comments*

Notice of proposed rulemaking was published at 27 Pa.B. 1939 (April 19, 1997) and provided a 30-day comment period. The Department received one comment to the proposed amendments. The comment was from the president of the Pennsylvania Medical Society in support of the rescheduling of LAAM as a Schedule II controlled substance. No comments were received from either the Independent Regulatory Review Commission (IRRC) or the Senate Public Health and Welfare Committee or the House Health and Human Services Committee.

*E. Fiscal Impact*

The amendments to the schedules of controlled substances will have no measureable fiscal impact on the Commonwealth, local government, the private sector or the general public. Similarly, the addition of Rev Eyes (Dapiprazole HCL) to the list of approved drugs under the OPL act will not result in additional costs.

*F. Paperwork Requirements*

A system already exists for the handling of controlled substances under the CSDDC act and the amendments will not increase paperwork. Similarly, the addition of Rev Eyes (Dapiprazole HCL) to the list of approved drugs under the OPL act will not result in additional paperwork requirements.

*G. Effective Date/Sunset Date*

The amendments are effective immediately. These regulations are continually monitored and updated as needed. Therefore, no sunset date has been set.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 9, 1997, the Department submitted a copy of notice of proposed rulemaking, published at 27 Pa.B. 1939, to IRRC and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment. In compliance with sections 5(c) and 5.1(a) of the Regulatory Review Act (71 P.S. §§ 745.5(c) and 745.5a(a)), the Department also provided IRRC and the Committees with copies of all comments received as well as other documentation. In addition, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.



In preparing these final-form regulations, the Department has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House Committee on Health and Human Services on October 20, 1997, and deemed approved by the Senate Committee on Public Health and Welfare on October 20, 1997. IRRC met on October 23, 1997, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

#### I. *Contact Person*

Any questions regarding the amendments may be addressed to John C. Hair, Director, Bureau of Community Program Standards, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with a disability who have questions regarding the amendments may submit their questions to John Hair in alternative formats, for example, by audio tape, braille or by using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille) should contact John Hair to make the necessary arrangements.

#### J. *Findings*

The Department finds that:

(1) Notice of proposed rulemaking was published at 27 Pa.B. 1939, as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and that the comments received were considered.

(3) The adoption of the amendments in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

#### *Order*

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 28 Pa. Code Chapters 6 and 25, are amended by amending §§ 6.1 and 25.72 to read as set forth at 27 Pa.B. 1939.

(b) The Secretary shall submit this order and 27 Pa.B. 1939 to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Secretary shall certify this order and 27 Pa.B. 1939 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall be effective upon publication in the *Pennsylvania Bulletin*.

DANIEL F. HOFFMANN,  
*Secretary*

**Fiscal Note:** Fiscal note 10-144 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 97-1852. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF PODIATRY

#### [49 PA. CODE CH. 29]

#### Volunteer License

The State Board of Podiatry (Board) adopts § 29.55 (relating to volunteer license) to read as set forth in Annex A.

#### A. *Effective Date*

The regulation will be effective upon publication in the *Pennsylvania Bulletin*.

#### B. *Statutory Authority*

Section 5 of the Volunteer Health Services Act (VHSA) (35 P. S. § 449.45) mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under section 15 of the Podiatry Practice Act (63 P. S. § 42.15).

#### C. *Background and Purpose*

The purpose of the VHSA is to increase the availability of primary health services by establishing a procedure for podiatrists and other health care practitioners who have retired from active practice to provide professional services as volunteers in approved clinics. Primary health services are defined in the VHSA as including services such as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing, and health education.

The VHSA permits persons who have been issued a license by the State Boards of Medicine, Osteopathic Medicine, Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for a volunteer license. A volunteer license will be issued to a retired individual who documents to the satisfaction of the Board that the individual will practice without remuneration in approved clinics.

#### D. *Summary of Comments and Responses on Proposed Rulemaking*

Notice of proposed rulemaking was published at 27 Pa.B. 2960 (June 21, 1997). The Board received comments from Representative Patricia H. Vance, the prime sponsor of the VHSA, two public commentators, the House Professional Licensure Committee and the Independent Regulatory Review Commission (IRRC).

Both Representative Vance and IRRC noticed that proposed § 29.55(b), as published, was incongruent with the VHSA which makes retired persons, or persons intending to retire, eligible for a volunteer license. Editorial changes to the proposed rulemaking filed with the Legislative Reference Bureau erroneously created, on publication, three, rather than two, pathways by which a Board-regulated practitioner could qualify for a volunteer license. Representative Vance correctly noted that proposed § 29.55(b)(3) would be applicable to both para-

graphs (1) and (2), and suggested paragraph (3) be incorporated into the text of subsection (b). The House Committee supported Representative Vance's suggestion. IRRC recommended that paragraph (3) be deleted in its entirety and suggested that parts of it be incorporated into a new definitional section. In final rulemaking, the Board has accepted both suggestions, adding a definitional subsection in § 29.55(a) and restructuring § 29.55(b). The Board also accepted the suggestion of IRRC to move § 29.55(c)(1)(ii) to the new definitional section.

The Pennsylvania Academy of Family Physicians commented that the VHSA may be interpreted as permitting nonphysicians to perform acts which require a medical license and, accordingly, requested that the issue be clarified and resolved through regulation. The Board does not concur in the view that the VHSA creates an ambiguity regarding the scope of practice for any licensee. The Board has found no language in the VHSA which creates a different scope of practice for a volunteer license in any of the enumerated categories for which a volunteer license may be granted. Therefore, the Board has determined that additional rulemaking on this subject is not needed.

Finally, the Hospital and HealthSystem Association of Pennsylvania supported the regulation, but did not comment on the need for change in final rulemaking.

#### *E. Compliance with Executive Order 1996-1*

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professionals and to nonprofit organizations who represent qualified providers of volunteer services.

#### *F. Fiscal Impact and Paperwork Requirements*

1. *Commonwealth*—The regulation creates a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees. Therefore, the administration and enforcement of a new license category may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal, owing to the relatively small number of licensee population who will seek a volunteer license compared with the number of active licensees. Additional paperwork will be incurred by the Board and the private sector to complete and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The amendments will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) and the biennial renewal fee for licensure. The amendments should impose no additional fiscal or paperwork requirements.

#### *G. Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### *H. Regulatory Review*

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on June 6, 1997, the Board submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 2960 to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act (71 P. S. § 745.5(c)), the Board also provided IRRC and the Committees with copies of comments received as well as other documentation.

In preparing this final-form regulation the Board has considered the comments received from IRRC, the Committees and the public.

This final-form regulation was approved by the House Committee on October 22, 1997, and by the Senate Committee on October 28, 1997. IRRC met on November 6, 1997, and approved the regulation in accordance with section 5(e) of the Regulatory Review Act.

#### *I. Public Information*

Interested persons may obtain information regarding the amendments by writing to Gina Bittner, Board Administrator, State Board of Podiatry, P.O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649.

#### *J. Findings*

The Board find that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 27 Pa.B. 2960.

(4) This amendment is necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this Preamble.

#### *K. Order*

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 29, are amended by adding § 29.55 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

STANLEY E. BOC, D.P.M.,  
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6128 (November 22, 1997).)

**Fiscal Note:** Fiscal Note 16A-443 remains valid for the final adoption of the subject regulations.

## Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL  
STANDARDS

## PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL  
AFFAIRSCHAPTER 29. STATE BOARD OF PODIATRY  
LICENSURE APPLICATIONS

## § 29.55. Volunteer license.

(a) *Purpose and definitions.*

(1) The following subsections implement the Volunteer Health Services Act (35 P.S. §§ 449.41—449.50) and provide for the issuance of a volunteer license to a qualified individual who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic without remuneration.

(2) The following words and terms, when used in this section, have the following meanings:

*Approved clinic*—An organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to Medical Assistance clients or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic and Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

*Unrestricted license*—A license which is not restricted or limited by order of the Board under its disciplinary power.

(b) *Issuance of license.* A volunteer license may be issued to a licensee of the Board who documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics and meets one of the following conditions:

(1) Holds a currently renewed, active, unrestricted license as a podiatrist in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from active practice in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it. A retired licensee shall meet any requirements of the act or the regulations pertaining to continued education or continued competency to be eligible for renewal.

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively as follows:

(i) Without personal remuneration for professional services.

(ii) In an approved clinic.

(2) A letter signed by the director or chief operating officer of an approved clinic that the applicant has been

authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(d) *Validity of a license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of a change, or at the time of renewal, whichever occurs first.

(e) *Renewal of license.* A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as the holder of an active, unrestricted license.

(2) The applicant shall be exempt from § 29.13 (relating to fees) pertaining to the biennial renewal fee and shall be exempt from the requirements with regard to maintenance of liability insurance coverage under section 701 of the Health Care Services Malpractice Act (40 P.S. § 1301-701) and §§ 29.51—29.54.

(f) *Return to active practice.* A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board in accordance with §§ 29.51 and 29.52 (relating to applicants; and requirements for applicants).

(g) *Disciplinary provisions.* A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act (35 P.S. §§ 449.41—449.50) or this chapter may also constitute grounds for disciplinary action.

[Pa.B. Doc. No. 97-1853. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Title 58—RECREATION

## GAME COMMISSION

## [58 PA. CODE CH. 141]

Corrective Amendment to 58 Pa. Code §§ 141.22  
and 141.25

The Game Commission has discovered a discrepancy between the agency text of 58 Pa. Code §§ 141.22 and 141.25 (relating to small game; and early and late goose hunting seasons), as deposited with the Legislative Reference Bureau and as published at 27 Pa.B. 3788 (August 2, 1997), and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 275) and as currently appearing in the *Pennsylvania Code*. Proposed amendments to § 141.25 were inadvertently incorporated into § 141.22 upon codification.

Therefore, under 45 Pa.C.S. § 901: The Game Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code §§ 141.22 and 141.25. The corrective amendment to 58 Pa. Code §§ 141.22 and 141.25 is effective as of October 4, 1997, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code §§ 141.22 and 141.25 appears in Annex A.

DONALD C. MADL,  
*Executive Director*

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.22. Small game.**

(a) *Unlawful activities.* It is unlawful to:

(1) Take small game, furbearers, protected mammals or protected birds using shot larger than #4 lead, #4 Bismuth/tin or #2 steel.

(2) Possess a firearm while hunting with a raptor.

(3) Use or possess single projectile ammunition or use or possess single projectile designed for use in a firearm while hunting small game during the muzzleloading firearms deer or bear season, except for a .22 caliber rimfire rifle. This exception does not apply to the Southeast Special Regulations Area. See § 141.1(b)(2) (relating to special regulations areas).

(4) Hunt in a party of more than six persons.

(5) Hunt for groundhogs without a cap or hat made of a daylight fluorescent orange material as a part of the requirements in section 2524 of the act (relating to protective material required).

(6) Hunt for or assist to hunt for other small game, except waterfowl, mourning doves and crows without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(b) *Definition.* For the purpose of enforcing section 2308(a)(4) of the act (relating to unlawful devices and methods), the term "plugged" means a magazine shotgun which is plugged with a one-piece filler, incapable of removal without disassembling the shotgun or magazine.

**§ 141.25. Early and late goose hunting seasons.**

(a) *Early season and description.*

(1) Subject to approval of the United States Fish and Wildlife Service, there will be an early Canada goose hunting season starting on September 1 (except when Sunday, then September 2), and ending on September 25 (except when Sunday, then September 24) Statewide. Geese may be taken on the Pymatuning State Park Reservoir and an area to extend 100 yards inland from the shoreline of the reservoir excluding the area east of L. R. 20006.

(2) Geese may not be taken in that portion of Crawford County which is in the area south of Route 6 from the Ohio line to its intersection with Route 322 in the town of Conneaut Lake and north of Route 322 west to the Ohio line, or in Lancaster/Lebanon Counties in the area east of S. R. 501 from Shaefferstown to the Pa. Turnpike, north of the Pa. Turnpike to S. R. 272, west of S. R. 272 to S. R. 897, and south of S. R. 897 to Shaefferstown, referred to as closed areas.

(3) Bag limits are as follows:

(i) There is a daily bag limit of five and a possession limit of ten in the area east of I-83 from the Maryland

State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to the intersection of I-283, east of I-283 to I-83, east of I-83 to the intersection of I-81, east of I-81 to the intersection of I-80, and south of I-80 to the New Jersey State line.

(ii) There is a daily bag limit of three and a possession limit of six in the remainder of the State with the exception of the closed areas in Crawford and Lancaster/Lebanon Counties.

(b) *Late season and description.*

(1) *Areas.* Subject to approval of the United States Fish and Wildlife Service, there is a late Canada goose hunting season beginning on January 15 (except when Sunday, then January 16), and ending on February 15 (except when Sunday, then February 14) Statewide, with the exception of Erie, Mercer, Butler, Crawford and the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to intersection of I-283, east of I-283 to I-83, east of I-83 to intersection of I-81, east of I-81 to intersection of I-80, and south of I-80 to the New Jersey State line.

(2) *Bag limit.* There is daily bag limit of five and a possession limit of ten geese.

(3) *Map.* See map of Late Canada Goose Areas in Appendix E.

(c) *Shooting hours.* Shooting hours for goose hunting during the early and late goose hunting seasons is 1/2 hour before sunrise to sunset.

(d) *Unlawful acts.* It is unlawful to hunt Canada geese during the early or late goose hunting seasons inside the boundaries of the closed area.

[Pa.B. Doc. No. 97-1854. Filed for public inspection November 21, 1997, 9:00 a.m.]

**GAME COMMISSION**

**[58 PA. CODE CHS. 141 AND 143]**

**Hunting and Trapping**

*Amendment to § 141.22*

**1. Introduction**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 1997, meeting proposed, and at its October 7, 1997, meeting finally adopted changing § 141.22 (relating to small game), to increase the size of shot that can lawfully be used to take furbearers to size BB, lead and bismuth tin and size T steel. This change is adopted under 34 Pa.C.S. §§ 322(c)(5) and 2102 (relating to specific powers and duties; and regulations) (code).

**2. Purpose and Authority**

Representatives of the furtaking community requested the change because of their belief that the smaller shot currently required does not have adequate shocking and penetrating power to humanely harvest furbearers. Commission staff review of the recommendation produced agreement.

Section 322(c)(5) of the code authorizes the Commission to fix the type and number of devices which may be used to take game or wildlife. Section 2102 of the code directs

the Commission to promulgate regulations relating to the types of devices allowed for hunting or furtaking. These provisions provide the statutory basis for the change.

### 3. *Regulatory Requirements*

The change relaxes current regulatory requirements.

### 4. *Persons Affected*

All individuals who wish to engage in furtaking are affected.

### 6. *Cost and Paperwork Requirements*

The proposed change would not result in any additional cost either to the Commission or to hunters.

## *Amendment to Chapter 143*

### 1. *Introduction*

On December 19, 1996, the Governor signed Act 184 of 1996, which amended section 2522 of the code (relating to shooting at or causing injury to human beings). Two major changes introduced by Act 184 involve the imposition of additional prerequisites to receiving a hunting or furtaking license after suspension for having shot at, injured or killed a human being. One of these prerequisites is the providing of evidence to the Commission, of having successfully completed a hunter/trapper education course. The other is the providing of evidence of having taken a vision examination administered by a licensed ophthalmologist or optometrist. The additions to Subchapter G provide standards for the vision examination and require proof of completion of a hunter/trapper education course. These provisions are adopted under authority contained in section 2721 of the code (relating to license issuance supervision) and section 2102 of the code.

### 2. *Purpose and Authority*

As was indicated in the Introduction, the recently adopted Act 184 requires successful completion of a hunter/trapper education course and a vision examination before individuals who have had their hunting and furtaking license suspended by reason of having shot at, injured or killed a human being can have their privileges reinstated. To implement these provisions, the Commission, at its June 24, 1997, meeting proposed and at its October 7, 1997, meeting finally adopted, adding four new sections, §§ 143.124—143.127, to Subchapter G, which prescribe standards for those vision examinations and implement the requirements.

Section 2721 of the code provides that the issuance of all hunting and furtaking licenses "... shall be in accordance with regulations of the Commission." Section 2102 of the code authorizes the Commission to promulgate regulations relating to hunting and furtaking.

### 3. *Regulatory Requirements*

Under the adopted sections, persons whose hunting and furtaking privileges have been denied as a result of having shot at, injured or killed a human being would need to provide to the Commission, on forms provided, proof of meeting minimum visual acuity standards and evidence of having successfully completed a Commission sponsored hunter/trapper education course.

### 4. *Persons Affected*

The only persons affected by the adopted sections are those who have been denied hunting and furtaking

privileges as the result of having shot at, injured or killed a human being.

### 6. *Cost and Paperwork Requirements*

Those persons wishing to have their hunting and furtaking privileges restored need to bear the costs of having a visual examination by a licensed ophthalmologist or optometrist and submitting simple forms evidencing satisfaction of all requirements. Because of the relatively small number of persons involved, it is anticipated that the cost to the Commission will be minimal.

## *Comment and Response Summary*

No comments were received with regard to the changes.

## *Effective Dates*

The changes are effective on final publication in the *Pennsylvania Bulletin* and remain in effect until changed by the Commission.

## *Contact Person*

For further information on the change, the contact person is James R. Fagan, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

## *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

## *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission are amended by adding §§ 143.124—143.127 to read as set forth at 27 Pa.B. 4458 and by amending § 141.22 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, Annex A and 27 Pa.B. 4458 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending § 141.22 and adding §§ 143.124—143.127, shall become effective upon final publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* See 27 Pa.B. 6092 (November 22, 1997, for a corrective amendment relating to § 141.22 amended in this document.)

DONALD C. MADL,  
Executive Director

**Fiscal Note:** Fiscal Note 48-100 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.22. Small game.**

(a) *Unlawful activities.* It is unlawful to:

(1) Take small game, protected mammals or protected birds using shot larger than #4 lead, #4 Bismuth/tin or #2 steel.

(2) Take furbearers using shot larger than size BB lead, size BB Bismuth/tin or size "T" steel.

(3) Possess a firearm while hunting with a raptor.

(4) Use or possess single projectile ammunition or use or possess single projectile designed for use in a firearm while hunting small game during the muzzleloading firearms deer or bear season, except for a .22 caliber rimfire rifle. This exception does not apply to the Southeast Special Regulations Area. See § 141.1(b)(2) (relating to special regulations areas).

(5) Hunt in a party of more than six persons.

(6) Hunt for groundhogs without wearing a cap or hat made of a daylight fluorescent orange material as part of the requirements in section 2524 of the act (relating to protective material required).

(7) Hunt for or assist to hunt for other small game, except waterfowl, mourning doves and crows without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(b) *Definition.* For the purpose of enforcing section 2308(a)(4) of the act (relating to unlawful devices and methods), the term "plugged" means a magazine shotgun which is plugged with a one-piece filler, incapable of removal without disassembling the shotgun or magazine.

[Pa.B. Doc. No. 97-1855. Filed for public inspection November 21, 1997, 9:01 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 11, 1997.

### BANKING INSTITUTIONS

#### Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-7-97	PSB Interim Bank East Berlin Adams County	East Berlin	Filed

Application will be used to facilitate the acquisition of the subject institution by Community Banks, Inc., Millersburg, a bank holding company.

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-3-97	The Drovers & Mechanics Bank York York County	Southeast intersection of Church Road and Susquehanna Trail Route 238 Manchester Township York County	Opened
11-5-97	Patriot Bank Pottstown Montgomery County	Redner's Supermarket 703 South West End Blvd. Quakertown Bucks County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-18-97	Mid-State Bank and Trust Company Altoona Blair County	Route 220 Tipton Blair County	Effective

### SAVINGS ASSOCIATIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
11-7-97	Feltonville Building and Loan Association, Philadelphia, and Cornerstone Building and Loan Association, Glenside Surviving Institution—Feltonville Building and Loan Association, Philadelphia, with a change in corporate title to "Cornerstone-Feltonville Building and Loan Association"	Philadelphia	Filed

### CREDIT UNIONS

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-1856. Filed for public inspection November 21, 1997, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

##### [National Pollution Discharge Elimination System Program (NPDES)]

##### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the Field Office that has been indicated above the application.

#### Applications for National Pollutant Discharge Elimination System (NPDES) Permit to discharge to State waters.

*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**PA 0057282.** Sewage, **Jonathan and Susan Pope**, 795 West Strasburg Road, West Chester, PA 19380.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment facility in East Bradford Township, **Chester County**. This is a new discharge to Taylor Run.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0057304.** Industrial waste, **J.O.T. Fuel, Inc.**, 982 Easton Road, Horsham, PA 19044.

This application is for issuance of an NPDES permit to discharge treated groundwater from a groundwater remediation system serving Coastal gas station located in Horsham Township, **Montgomery County**. This is a new discharge to unnamed tributary to Little Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishery.

The proposed effluent limits for Outfall 001, based on an average flow of 14,400 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Xylene	monitor/report	monitor/report	
Benzene	0.001	0.002	0.0025
Total BETX	0.1	0.2	0.25



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ethylbenzene	monitor/report	monitor/report	
Toluene	monitor/report	monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0055620.** Sewage, **David A. Whinfrey**, 60 Chapel Hill Road, Media, PA 19063.

This application is for renewal of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Upper Providence Township, **Delaware County**. This is an existing discharge to small flow sewage treatment plant.

The receiving stream is classified for the following uses: high quality trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0057312.** Sewage, **Daniel and Joan Ball**, 2057 Buck Run Road, Quakertown, PA 18951.

This application is for issuance of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in East Rockhill Township, **Bucks County**. This is a new discharge to unnamed tributary to Tohickon Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 460 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	10
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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*Northeast Region: Environmental Protection Manager—Water Management—2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.*

**PA 0060747.** Industrial waste, SIC: 3087, **Ametek-Westchester Plastics Div.**, Route 54, P. O. Box 9, Nesquehoning, PA 18240.

This proposed action is for renewal of an NPDES permit to discharge treated contact cooling water into Nesquehoning Creek in Mauch Chunk Township, **Carbon County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Northampton County.

The proposed effluent limits based on a design flow of 0.239 mgd are:

*Outfall 001*

<i>Parameter</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		42 lbs/day	
Total Suspended Solids		30 lbs/day	
Oil and Grease	15 mg/l		30 mg/l
pH		6—9 standard units at all times	

*Outfall 002—Uncontaminated Stormwater Only*

The EPA waiver is in effect.

**PA 0037290.** Sewage, **Wesland Development Tamiment, Inc.**, Tamiment Resort, Tamiment, PA 18371.

This application is for renewal of an NPDES permit to discharge treated sewage into unnamed tributary to Little Bushkill Creek in Lehman Township, **Pike County**.

This is an existing discharge.

The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply, recreation and special protection.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is the Stroudsburg/E. Stroudsburg Intake on the Delaware River at the Delaware Water Gap.

The proposed effluent limits based on a design flow of 0.250 mgd are:

*Outfall 001*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
NO <sub>2</sub> and NO <sub>3</sub> as "N"	10.0	20.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
1st Month through 36th Month	maintenance report	
36th Month through Expiration Date	.06	.15

The proposed effluent limits\* based on a design flow of 1.15 mgd are:

*Outfall 001*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
NO <sub>2</sub> and NO <sub>3</sub> as "N"	1.0	2.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
NO <sub>2</sub> plus NO <sub>3</sub> -N	10.0	20.0
Total Residual Chlorine	.02	.05

\*Limits at completion of plant expansion.

Special conditions regarding spray irrigation from Consent Order and Agreement.

The EPA waiver is not in effect.

*Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3670.*

**PA 0111368.** Sewerage, SIC: 4952, **Jersey Shore Area School District**, R. R. 3, Box 245, Williamsport, PA 17701.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Larrys Creek in Mifflin Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits, based on a design flow of 0.0047 mgd, are:

*Outfall 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Total Cl <sub>2</sub> Residual			
1st month—36th month	report		
37th month—permit expiration date	2.0		4.6
Fecal Coliforms			
(5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA 0000825.** Industrial waste, SIC: 3315 and 3316, **Col-Fin Specialty Steel Corporation**, Front Street, Fallston, PA 15066.

This application is for renewal of an NPDES permit to discharge treated process water, sewage and untreated stormwater from Col-Fin in Fallston Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Arco Chemical Company, located at Potter Township, 6 miles below the discharge point.

*Outfall 101: existing discharge, design flow of 0.094 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	6.65	15.54	30	70	87.5
Oil and Grease	0.73	2.19	10	30	30
Chromium	0.06	0.15	0.4	1.0	1.25
Nickel	0.04	0.13	0.3	0.9	1.1
pH	not less than 6.0 nor greater than 9.0				

*Other conditions:* TRC minimization requirement to conduct a pollution reduction report, chemical additive condition.

*Outfall 001: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Iron				monitor and report	
Dissolved Iron				monitor and report	
Lead				monitor and report	
Zinc				monitor and report	
Nickel				monitor and report	
	This discharge shall consist solely of those sources previously monitored at Internal Monitoring Point 101 and stormwater runoff.				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002: existing stormwater discharge.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids*			30		60
Total Iron				monitor and report	
Dissolved Iron				monitor and report	
Lead				monitor and report	
Nickel				monitor and report	
Zinc				monitor and report	
pH*		not less than 6.0 nor greater than 9.0			

\*The pH limits and TSS limits are only applicable when boiler blowdown and water softener backwash are discharged.

*Outfall 003: existing stormwater discharge.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of stormwater runoff.					
Total Iron				monitor and report	
Dissolved Iron				monitor and report	
Lead				monitor and report	
Zinc				monitor and report	
Nickel				monitor and report	
pH				monitor and report	

*Outfall 004: existing discharge, design flow of 0.0018 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>			25	50	
Suspended Solids			30	60	
Total Residual Chlorine			1.4		3.3
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a geometric mean			
(10-1 to 4-30)		2,000/100 ml as a geometric mean			
pH		not less than 6.0 nor greater than 9.0			

*Outfalls 005—008: existing stormwater discharges.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These discharges shall consist solely of stormwater.					
Total Iron				monitor and report	
Dissolved Iron				monitor and report	
Lead				monitor and report	
Zinc				monitor and report	
Nickel				monitor and report	
pH				monitor and report	

The EPA waiver is in effect.

**PA 0096628.** Sewage, **Hamill Manufacturing**, 500 Pleasant Valley Road, Trafford, PA 15085.

This application is for issuance of an NPDES permit to discharge treated sewage from the Hamill Manufacturing Sewage Treatment Plant in Penn Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lyons Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA-American Water Company, Becks Intake.

*Outfall 001: new discharge, design flow of 0.00196 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	
CBOD <sub>5</sub>	25			50	
Suspended Solids	30			60	

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
Total Residual Chlorine		monitor and report		
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

**PA 0205621.** Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from the Emile No. 2 Slope Portal Sewage Treatment Plant in Plumcreek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Crooked Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Cadogen Water Works.

*Outfall 001: existing discharge, design flow of .0028 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric mean 35,000/100 ml as a geometric mean		
Total Residual Chlorine 1st month—36th month 37th month—expiration		monitor and report		
pH	1.4		not less than 6.0 nor greater than 9.0	3.3

The EPA waiver is in effect.

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*Northwest Regional Office: Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**PA 0030341.** Sewage, **Wilmington Area School District**, East Lawrence Elementary School, 300 Wood Street, New Wilmington, PA 16142-1016.

This application is for renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary to Taylor Run in Plain Grove Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Camp Allegheny intake on Slippery Rock Creek located at Wayne Township, Lawrence County, approximately 17 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0032 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	0.85	2
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

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The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at

the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

**Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 2697403.** Sewerage. **Angelo B. Poli**, 93 Belmeade Terrace, Uniontown, PA 15401. Application for the construction and operation of sewers and appurtenances, sewage treatment plant, and outfall and headwall to serve the Bennington Place Subdivision located in the Township of North Union, **Fayette County**.

**A. 3097402.** Sewerage. **Michele R. Williams**, R. R. 3, Box 239B, Smithfield, PA 15478. Application for the construction and operation of a sewage treatment plant to serve the Riviera Mobile Home Park located in the Township of Dunkard, **Greene County**.

**INDIVIDUAL PERMITS  
(PAS)**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day

permit will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**NPDES Permit PAS10-G292.** Stormwater. **Thomas J. McQuilken**, 134 John Thomas Drive, Exton, PA, has applied to discharge stormwater from a construction activity located in West Nantmeal Township, **Chester County**, to Unnamed Tributary to East Branch Brandywine Creek.

**NPDES Permit PAS10-G293.** Stormwater. **Augustino Badalamenti**, 226 Hoeffcker Road, Phoneixville, PA 19460, has applied to discharge stormwater from a construction activity located in East Vincent Township, **Chester County**, to French Creek.

**NPDES Permit PAS10-G294.** Stormwater. **West Uwchlan Development Corporation**, c/o James-Lewis Group, 1301 Lancaster Avenue, Berwyn, PA 19312, has applied to discharge stormwater from a construction activity located in East Caln Township and Uwchlan Township, **Chester County**, to East Branch Brandywine Creek.

**NPDES Permit PAS10-G295.** Stormwater. **Taylor's Mill, Inc.**, 175 Strafford Avenue, Wayne, PA 19087, has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Unnamed Tributary to Shamona Creek.

**NPDES Permit PAS10-J041.** Stormwater. **Glen Mills School**, P. O. Box 137, Concordville, PA 19331, has applied to discharge stormwater from a construction activity located in Thornbury Township, **Delaware County**, to Chester Creek.

*Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

*Lehigh County Conservation District, District Manager, Lehigh Ag. Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q001-1R.** Stormwater. **Hornstein Enterprises, Inc.**, 1150 South Cedar Crest Boulevard, Allentown, PA 18103 has applied to discharge

stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

*Northampton County Conservation District, District Manager, R. R. 4, Greystone Building, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U081.** Stormwater. **Triple Net Investments III** c/o J. G. Petrucci Co., Inc., 171 Route 173, Suite 201, Asbury, NJ 08802 has applied to discharge stormwater from a construction activity located in Bethlehem Township, **Northampton County**, to Monocacy Creek.

*Lehigh County Conservation District, District Manager, Lehigh Ag. Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q130.** Stormwater. **The Cloverleaf Inn**, P.O. Box 213, 327 Star Road, Fogelsville, PA 18051 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 2

**Acknowledgment of Notice of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipi-

ality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Former Heintz Corp. Property**, City of Philadelphia, **Philadelphia County**. Ted Haldis, Gen. Mgr., Stormin Hardward Supply, Inc., 826 E. Erie Ave., Philadelphia, PA 19134, has submitted a Notice of Intent to Remediate site soil contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant's proposed remediation will address any immediate, direct or imminent threat to public health and the environment and will be based on the results of the Baseline Remedial Investigation Plan. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on November 5, 1997.

## SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

**Request for Determination of Applicability received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.*

Received an application from **Green Horizon Environmental, Inc.**, 2230 Dekalb Street, Suite 300, Norristown, PA 19401, for determination of applicability on **Permit No. WMGR002** issued to Willamette Industries, Inc. for use of paper mill wastewater treatment plant sludge as a soil conditioner at coal mine sites. The Department accepted the application as administrative complete on November 6, 1997.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate or close solid waste processing or disposal area or site.**

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**Permit No. 101100. Mountain View Reclamation, Community Refuse, Ltd.** (9760 Letzburg Road,

Greencastle, PA 17225-9317). Application for modification to Gas Management System for a site in Antrim and Montgomery Townships, **Franklin County**. Application determined to be administratively complete in the Regional Office November 3, 1997.

**A. 101632. Wyeth Laboratories, Inc.** (P. O. Box 304, Marietta, PA 17547). Application for infectious waste processing facility for a site in East Donegal Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office November 6, 1997.

## AIR POLLUTION OPERATING PERMITS

### Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-329-003A: Haverford College** (370 Lancaster Avenue, Haverford, PA 19041) for the operation of two emergency generators in Haverford Township, **Delaware County**.

**46-302-201: North Penn School District** (1340 Valley Forge Road, Towamencin, Montgomery, PA 19443) for the operation of a heating boiler in Towamencin Township, **Montgomery County**.

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**40-309-036: Schott Glass Technologies, Inc.** (400 York Avenue, Duryea, PA 18642) for the glass batch weighing system with air pollution control by a cartridge filter in Duryea Borough, **Luzerne County**.

**48-309-082B: Keystone Portland Cement Co.** (Route 329, Drawer A, Bath, PA 18014) for the clinker conveying system with air pollution control by baghouses in East Allen Township, **Northampton County**.

**52-310-004: G. F. Edwards, Inc.** (Box 174, Elmhurst, PA 18415) for the stone crushing plant with air pollution control by a waterspray system in Green Township, **Pike County**.

*Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.*

**06-1007F: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) for a specialty steel facility controlled by various control devices in Muhlenberg Township, **Berks County**. These sources are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**36-3001: Nichia America Corp.** (3775 Hempland Road, Mountville, PA 17554) for the operation of a phosphor manufacturing facility in West Hempfield Township, **Lancaster County**.

**36-317-222: Wilbur Chocolate Company, Inc.** (48 North Broad Street, Lititz, PA 17110) for sugar grinding and classification systems controlled by fabric collectors located in Lititz Borough, **Lancaster County**.

### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities

subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.*

**09-00025: Delbar Products, Inc.** (Seventh and Spruce Streets, Perkasio, PA 18944) in Perkasio Borough, **Bucks County**. The facility shapes, coats and assembles exterior metal mirrors for use on light-duty trucks. The facility's major air emission points include: boilers, spray booths and a vapor degreaser, which emit major levels of Volatile Organic Compounds (VOCs).

**46-00019: Lockheed Martin, Management and Data Systems** (935 First Avenue, King of Prussia, PA 19406) in Upper Merion Township, **Montgomery County**. The facility primarily functions as a computer design and programming center for the Federal government and military contractors. The facility's major air emission points include: boilers and emergency services equipment, which emit major levels of Nitrogen Oxides (NOx).

**15-00005: PA State System Higher Education—West Chester University Facility** located in the West Chester Borough, **Chester County**. This facility is primarily an educational institution. The facility's major air emission sources are three anthracite coal fired and one No. 2 oil fired boilers which emit major levels of Nitrogen Oxide Compounds (NOx) and Sulfur Oxide Compounds (SOx).

## PLAN APPROVALS

### Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-46-0130: Atarasi Coatings, Inc.** (465 Maryland Drive, Ft. Washington, PA 19034) for the construction of a spray booth in Upper Dublin Borough, **Montgomery County**.

**AQ-SE-0003: Highway Materials, Inc.** (500 Stenton Avenue, Plymouth Meeting, PA 19462) for the construc-



tion of a portable nonmetallic mineral plant in Whitmarsh Township, **Montgomery County**.

**PA-15-0013: Graphic Packaging Corporation** (2400 Continental Boulevard, Tredyffrin, PA 19312) for the construction of a Flexographic Printing Press in Tredyffrin Township, **Chester County**.

**PA-23-0062GP: State Correctional Institute—Chester** (500 East Morton Street, City of Chester, PA 19013) for the construction of one boiler in City of Chester, **Delaware County**.

**PA-15-0016C: Worthington Steel Company** (45 Morehall Road, Malvern, PA 19355) for the modification of a cleaning and zinc plating line in East Whiteland Township, **Chester County**.

**PA-46-0131: UTI Corporation** (206 Jones Boulevard, Limerick, PA 19468) for the construction of an electroplating facility in Limerick Township, **Montgomery County**.

**PA-09-0021: MRI Flexible Packaging** (122 Penns Trail, Newtown, PA 18940) for the construction of a flexographic printing press in Newtown Township, **Bucks County**.

**09-323-0005GP: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) for the construction of a burn off oven in West Rockhill Township, **Bucks County**.

**09-399-040A: Woodbridge Group/Cartex Corporation** (200 Rock Run Road, Fairless Hills, PA 19030) for the modification of a polyurethane foam line in Falls Township, **Bucks County**.

**OP-46-0005A: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486) for the modification of a Pharmaceutical Mfg., Incinerator in Upper Gwynedd Township, **Montgomery County**.

**PA-23-0032A: DELCORA** (3201 West Front Street, Chester, PA 19013) for the modification of a Two Eight Stage Incinerator in City of Chester, **Delaware County**.

**PA-46-0076GP: Greene Tweed & Company** (2075 Detwiler Road, Kulpville, PA 19443) for the installation of a boiler in Towamencin Township, **Montgomery County**.

**PA-46-0005E: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486) for a waste heat incinerator in Upper Gwynedd Township, **Montgomery County**.

**PA-09-0050: Better Materials Corporation** (Swamp Road and 2nd Street Pike, Penns Park, PA 18943) for the modification of a stone crushing plant in Wrightstown Township, **Bucks County**.

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-313-032B: Mallinckrodt Chemical, Inc.** (16305 Swingley Drive, Chesterfield, MO 63017) for the modification of DMPA storage tanks with air pollution control by a packed scrubber in South Whitehall Township, **Lehigh County**.

**39-314-002: Charter Rubber Technologies, Inc.** (103 South Main Street, Quakertown, PA 18951) for the construction of a tire grinding operation with air pollution control by baghouses in the City of Allentown, **Lehigh County**.

**39-399-037A: Mallinckrodt Chemical, Inc.** (16305 Swingley Drive, Chesterfield, MO 63017) for the modification of DMPA oxidation reactors with air pollution control by a scrubber in South Whitehall Township, **Lehigh County**.

**40-309-037A: Polyglass USA, Inc.** (150 Lyon Drive, Fernley NV 89408) for the modification of an asphalt roofing process with air pollution control by a thermal oxidizer in Hazle Township, **Luzerne County**.

**40-399-029A: Harris Semiconductor, Inc.** (125 Crestwood Road, Mountaintop, PA 18707) for the modification of the Fab I Process with air pollution control by a fume scrubber in Wright Township, **Luzerne County**.

**54-321-006A: Guildord Mills, Inc.** (P. O. Box 26969, Greensboro, NC 27419) for the modification of three tenter frames with air pollution control by CVM Filters in Pine Grove Borough, **Schuylkill County**.

**66-315-034: Procter & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) for the modification of pulp and drying processes with air pollution control by a thermal oxidizer in Washington Township, **Wyoming County**.

*Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.*

**28-322-001B: Community Refuse Limited** (9760 Letzburg Road, Greencastle, PA) for the installation of an enclosed flare located in Antrim and Montgomery Townships, **Franklin County**. This source is subject to 40 CFR 60, Subpart WWW, Standards of Performance of New Stationary Sources.

*Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**12-399-009A: Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834-9797) issued October 8, 1997, for the construction of a powdered metal parts oil impregnation and centrifuge unit at Plant No. 1 in Shippen Township, **Cameron County**.

**8-313-003C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued October 10, 1997, for the construction of a television phosphor drying oven in Department 022, Building 10 in North Towanda Township, **Bradford County**.

**41-302-049: Wheeland Lumber Company, Inc.** (R. R. #1, Box 220B, Liberty, PA 16930-9540) issued October 28, 1997 for the construction of a wood fired boiler and associated air cleaning device (a multitube mechanical collector) in Jackson Township, **Lycoming County**.

**12-399-015: Motor Coils Manufacturing Company** (P. O. Box 311, Emporium, PA 15834) issued October 28, 1997, for the construction of an armature stripping operation and associated air cleaning devices (cartridge collectors) in Emporium Borough, **Cameron County**.

**8-313-038G: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued October 31, 1997, for the construction of a scrap tungsten crushing and screening operation and associated air cleaning devices (a cartridge collector and absolute filter) in Department 009, Building 25A in North Towanda Township, **Bradford County**.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.**

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-09-0041: Atlantic Greenhouses, Inc.** (6071 Durham Road, Plumstead, PA 18901) on August 23, 1996 for the approval of Facility VOC/NOx RACT in Plumstead Township, **Bucks County**.

**OP-46-0082: Stabilus** (92 County Line Road, Colmar, PA 18915) on June 03, 1996 for the approval of Facility VOC/NOx RACT in Hatfield Township, **Montgomery County**.

**OP-46-0080: Lower Merion School District** (301 East Montgomery Avenue, Ardmore, PA 19003) for three water tube boilers in Lower Merion Township, **Montgomery County**.

**OP-09-0073: Leonard Kunkin Associates** (Cherry Lane, Souderton, PA 18964) on October 1, 1997, for the approval of Facility NOx/VOC RACT located in Hilltown Township, **Bucks County**.

**OP-09-0076: Woodbridge Group/Cartex Corporation** (200 Rock Run Road, Fairless Hills, PA 19030) on October 14, 1997, for the approval of Facility VOC/NOx RACT located in Falls Township, **Bucks County**.

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.**

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0075: American Bank Note Company** (680 Blair Mill Road, Horsham, PA 19044) amended October 10, 1997, for lithographic presses in Horsham Township, **Montgomery County**.

**CP-46-0016: Handy and Harman Tube Company, Inc.** (701 West Township Line Road, Norristown, PA 19403) amended October 3, 1997, for VOC RACT in East Norriton Township, **Montgomery County**.

**OP-09-0026: BFI Waste System of North America, Inc.** (731 Reliance Road, Telford, PA 18969) amended October 3, 1997, formerly Browning-Ferris North America, for surface coating process in Hilltown Township, **Bucks County**.

**OP-15-0015: Sartomer Company, Inc.** (610 South Bolmar Street, West Chester, PA 19382) amended September 10, 1997, for VOC RACT in West Chester Township, **Chester County**.

**OP-23-0003: Bayway Refining Company** (P. O. Box 428, Marcus Hook, PA 19061) amended June 3, 1997, formerly BP Oil Refinery Co., for butane loading rack in Trainer Township, **Delaware County**.

**OP-46-0069: Highway Materials, Inc.** (500 Stenton Avenue, Plymouth Meeting, PA 19462) amended August 29, 1997, formerly Corson Lime Co., for Synthetic Minor NOx Facility in Whitmarsh Township, **Montgomery County**.

**Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC) and Notice of Public Hearing**

Approval of Reasonably Available Control Technology (RACT) Plans for:

PQ Corporation (City of Chester, Delaware County)

Flexofirst, Inc. (Horsham Township, Montgomery County)

Klearfold, Inc. (Warrington Township, Bucks County)

Graphic Packaging Corporation (Tredyffrin Township, Chester County)

International Business Systems, Inc. (Upper Merion Township, Montgomery County)

Piccari Press, Inc. (Warminster Township, Bucks County)

Reynolds Metals Company (Downingtown Borough, Chester County)

Superior Tube Company (Lower Providence Township, Montgomery County)

The Department of Environmental Protection (Department) has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

**PQ Corporation (Operating Permit OP-23-0016)**

<i>Source</i>	<i>NOx Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
No. 4 Sodium Silicate Furnace	296	Low Excess Air Sealed Burners	Implemented
No. 2 Potassium Silicate Furnace	25.9	Manufacturer Specifications	Implemented
Spray Dryer	3.11	Good Operating Practices	Implemented

<i>Source</i>	<i>NOx Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Vapower Boiler	1.84	Manufacturer Specifications	Implemented

This company is not a major VOC emitter.

**Flexofirst, Inc. (Operating Permit OP-46-0063)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Flexographic Press Including Cleanup	24.9	Manufacturer Specifications	Implemented
		Good Operating Practices	

This facility is not a major NOx emitter.

**Klearfold, Inc. (Operating Permit OP-09-0012)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Silkscreen Press #3	12	UV Inks, Good Work Practices	Implemented
Offset Press 6/C	20	Alcohol Content, Good Work Practices	Implemented
Offset Press 7/C	20	Alcohol Content, Good work Practices	Implemented
Offset Press 8	12	Alcohol Content, Temperature Control	Implemented
Silkscreen Press #1 & cleanup	2.5	UV Inks, Good Work Practices	Implemented
Silkscreen Press #2 & cleanup	2.5	UV Inks, Good Work Practices	Implemented

The facility is not a major NOx emitter.

**Graphic Packaging Corporation (Operating Permit OP-15-0013)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Cleanup Operations	13	Work Practice Standards	Implemented

The facility is not a major NOx emitter.

**International Business Systems, Inc. (Operating Permit OP-46-0049)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Nine Nonheatset Offset Litho Presses	18	Material Substitution	Implemented
Eight Tinting Units	30	Good Engineering Practices	Implemented

This facility is not a major NOx emitter.

**Piccari Press, Inc. (Operating Permit OP-09-0040)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Seven Lithographic Printing Presses	64	Material Substitution, Recordkeeping, Good Operating Practices	Implemented

This facility is not a major NOx emitter.

**Reynolds Metals Company (Operating Permit OP-15-0004)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Seven Seamers	3.9	Good Operating Practices	Implemented
Plant Cleaning Operations	38	Good Operating Practices, Recordkeeping	Implemented
Ink Room	14.5	Good Operating Practices	Implemented

This facility's NO<sub>x</sub> sources will meet the presumptive requirements of § 129.93 and the remaining VOC sources will meet the requirements of §§ 129.67, 129.63 or shall not exceed 2.7 tons per year.

**Superior Tube Company (Operating Permit OP-46-0020)**

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Vacuum Pickling Process	1.3 NO <sub>x</sub>	Good Operating Practices	Implemented
Three Pickling Tanks	4.5 NO <sub>x</sub>	Good Operating Practices	Implemented
Five Spray Lubrication Booths	25.4 VOC	Good Operating Practices	Implemented
Three Flash & Blowout Booths	11.6 VOC	Good Operating Practices	Implemented
Six Solvent Cleaners	9.2 VOC	Good Operating Practices	Implemented
Five Dip Tanks	36.1 VOC	Good Operating Practices	Implemented
Bench Cleaning	4.9 VOC	Good Operating Practices	Implemented
General Cleaning	13.8 VOC	Good Operating Practices	Implemented

This facility's remaining NO<sub>x</sub> sources will meet the presumptive requirements of § 129.93 and the remaining VOC sources will not exceed 2.7 tons per year.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on December 23, 1997 at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before December 23, 1997.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the DEP Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

**MINING****APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Con-

trol Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for

compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### *Coal Applications Received*

**32970112. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728), commencement, operation and restoration of bituminous strip-auger mine in Green Township, **Indiana County**, affecting 92.5 acres, receiving stream unnamed tributaries to Dixon Run and unnamed tributaries of Buck Run to Dixon Run and Buck Run to Two Lick Creek to Conemaugh River; application received October 30, 1997.

**32970113. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of bituminous strip mine in West Wheatfield Township, **Indiana County**, affecting 100.7 acres, receiving stream Blacklick Creek, unnamed tributaries to Blacklick Creek and Ramsey Run to Blacklick Creek all to Conemaugh River; application received November 4, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**10870106. Quality Aggregates, Inc.** (P. O. Box 9327, Neville Island, PA 15225), renewal of an existing bituminous coal and limestone operation in Marion Township, **Butler County** affecting 107.5 acres. Receiving streams unnamed tributaries to Blacks Creek; Blacks Creek and Slippery Rock Creek. Application for reclamation only. Application received October 21, 1997.

**16970106. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214), commencement, operation and restoration of a bituminous surface strip operation in Perry Township, **Clarion County** affecting 16.5 acres. Receiving streams Dunlap Creek. Application received October 22, 1997.

**33920110. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201), revision to an existing bituminous surface strip and auger operation in Porter Township, **Jefferson County** affecting 201.7 acres. Receiving streams unnamed tributary to Middle Branch Pine Run and an unnamed tributary to Pine Run. Revision to include a postmining landuse change from "forestland" to "pastureland, land occasionally cut for hay" on the lands of Mervin Adams and J. C. Enterprises. Application received October 29, 1997.

*McMurray District Office*

**30841302. Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Humphrey

#7 Mine in Dunkard Township, **Greene County** to add permit and subsidence control plan acres, no additional discharge. Application received October 2, 1997.

**30841307. Cyprus Emerald Resources Corp.** (P. O. Box 1020, 145 Elm Drive, Waynesburg, PA 15370), to revise the Emerald #1 Mine in Franklin Township, **Greene County** to add permit and subsidence control plan acres, no additional discharges. Application received October 8, 1997.

**03901302. T.J.S. Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to revise the permit for the T.J.S. No. 1 Deep Mine in South Bend Township, **Armstrong County**, for a revision to add permit acreage to an unnamed tributary to Craig Run. Application received October 15, 1997.

**26970702. Matt Canestrale Contracting, Inc.** (P. O. Box 124, Belle Vernon, PA 15012), to operate the LaBelle Site in Luzerne Township, **Fayette County** for a new coal refuse disposal site, to an unnamed tributary to Monongahela River, Meadow Run, and an unnamed tributary to Meadow Run. Application received October 15, 1997.

**30841312. Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville No. 2 Mine in Wayne Township, **Greene County** to add 10 degasification boreholes, no additional discharges. Application received October 20, 1997.

**63831301. Victor Dosse Contracting, Inc.** (420 Venetia Road, Venetia, PA 15367), to transfer the Westland #2 in Mt. Pleasant Township, **Washington County**, from Consolidation Coal Co., no additional discharge. Application received October 20, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

#### *Noncoal Applications Received*

**37970302. Quality Aggregates, Inc.** (P. O. Box 9327, Neville Island, PA 15225), commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 270.0 acres. Receiving streams unnamed tributaries to Slippery Rock Creek. Application received October 17, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**7475SM3A1C2. Keystone Cement Company** (P. O. Box A, Route 329, Bath, PA 18014-0058), renewal of NPDES Permit No. PA0612308 in East Allen Township, **Northampton County**, affecting 549.7 acres, receiving stream Monocacy Creek. Correction received October 14, 1997.

## **APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a

United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

**Applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E15-560.** Encroachment. **Downingtown Area School District**, 122 Wallace Ave., Downingtown, PA 19335. To construct and maintain approximately 1,013 linear feet of security chain link fencing across two unnamed tributaries to Valley Creek (CWF-MF) and adjacent wetlands. This work is associated with the construction of the New Middle School East in the Downingtown Area School District located approximately 2,000 feet south of the intersection of Lionville Avenue (SR 0113), Old Village Avenue and Whitford Road (Downingtown, PA USGS Quadrangle N: 8.7 inches; W: 4.7 inches) in Uwchlan Township, **Chester County**.

**E15-559.** Encroachment. **Downingtown Borough**, Municipal Government Center, 4-10 Lancaster Avenue, Downingtown, PA 19335. To construct and maintain a 30-foot in diameter gazebo within the floodway of the East Branch of Brandywine Creek (WWF,MF) in Kerr Park (Downingtown, PA Quadrangle N: 1.3 inches; W: 11.3 inches) in Downingtown Borough, **Chester County**.

*Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E22-375.** Encroachment. **Triple Crown Corporation**, Mark DiSanto, 5351 Jaycee Avenue, Harrisburg, PA 17112. To construct and maintain a 9-foot, 7-inch by 11-foot, 10-inch pipe arch culvert in the channel of a tributary to Paxton Creek at a point 550 feet upstream of Route 81 (Harrisburg, PA Quadrangle N: 11.0 inches; W: 11.1 inches) in Susquehanna Township, **Dauphin County**.

**E21-273.** Encroachment. **Department of Corrections**, Jacob Bliet, 2520 Lisburn Road, Camp Hill, PA 17011. To remove the existing structure and to construct and maintain three cells of culverts each having a dimension of 7 feet × 4 feet across Cedar Run and repairing adjacent sinkholes located within the correction's property (Lemoyne, PA Quadrangle N: 17.75 inches; W: 6.02 inches) in Lower Allen Township, **Cumberland County**.

**E28-246.** Encroachment. **PA Department of Transportation, Engineering District 8-0**, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing two span bridge, and to construct and maintain a

single span concrete deck bridge having a 50 feet by 8 feet minimum underclearance on a 45 degree skew across Wilson Run on SR 4009, Section 002, Segment 0060, Offset 1182 Station 142+14 located about 2.2 miles southeast of Edenville Village (St. Thomas, PA Quadrangle N: 14.1 inches; W: 1.92 inches) in St. Thomas Township, **Franklin County**.

**E50-190.** Encroachment. **Wheatfield Township Board of Supervisors**, Harold Mullen, 6 Ankajam Drive, Duncannon, PA 17020. To replace an existing structure with a 24-foot × 5.75-foot aluminum box culvert across the channel of Dark Run at a point at T-348 (Pleasant Grove Road) (Duncannon, PA Quadrangle N: 2.0 inches; W: 14.0 inches) in Wheatfield Township, **Perry County**.

*Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E41-413.** Encroachment. **James Eppley**, DCNR, Bureau of Facility Design & Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct, operate and maintain a single cell precast reinforced concrete box culvert to carry Pleasant Stream Road across Bovier Run. The box culvert shall be constructed with a span of 20 feet, rise of 5 feet and length of 58 feet. The project is located along the eastern right-of-way of SR 0014 and approximately 1.5 miles south of the intersection of SR 1013 and Pleasant Stream Road (Barbours, PA Quadrangle N: 22.3 inches; W: 12.5 inches) in McIntyre Township, **Lycoming County**. Estimated stream disturbance is 90 feet of waterway with no wetland impact; stream classification is High Quality-Cold Water Fishery.

**E55-152.** Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 48 inch by 76 inch by 56 linear foot reinforced concrete pipe depressed 1 foot into the substrate in a tributary Middle Creek underneath SR 3008 about 0.75 mile east of Paxtonville (Middleburg, PA Quadrangle N: 4.5 inches; W: 9.5 inches) in Franklin Township, **Snyder County**. Estimated stream disturbance is 80 feet of waterway with no wetland impact; stream classification is Cold Water Fishery.

**E55-153.** Encroachment. **Pa. Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To repair, operate and maintain a single span bridge that carries SR 1010 Segment—Offset 0040/1625 across an unnamed tributary to Penns Creek. The repair work shall consist of providing bridge and wingwall footing scour protection by installing an 8 inch thick grout mattress in the streambed. The project is located along the southern right-of-way of SR 0204 approximately 2,000 feet south of the intersection of SR 0204 and SR 1010 (Freeburg, PA Quadrangle N: 13.1 inches; W: 0.1 inch) in Penn Township, **Snyder County**. Estimated stream disturbance is 40 feet of waterway with no wetland impact; stream classification is Warm Water Fishery.

*Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**E56-281.** Encroachment. **Somerset County Commissioners**, 111 East Union Street, Suite 100, Somerset, PA 15501-1543. To repair, operate and maintain Somerset County Bridge No. 70 known as Wolfhope Bridge across the Raystown Branch of Juniata River (CWF) located on I-810 approximately 400 feet from its intersection with

S. R. 1015 (New Baltimore, PA Quadrangle N: 20.6 inches; W: 4.3 inches) in Allegheny Township, **Somerset County**.

*Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E33-190.** Encroachment. **Jefferson County Commissioners**, 155 Main Street, Jefferson Place, Brookville, PA 15825. To remove the existing single span timber bridge (County Bridge JC-36) on T-632 across Sawmill Run (CWF) and to construct and maintain a single-cell precast concrete box culvert measuring 5.096 meters wide and an underclearance of 1.95 meters (invert depressed 0.3 meters) across Sawmill Run on T-532. The new bridge will be relocated approximately 18 meters downstream from the existing bridge and will utilize a temporary stream diversion during construction. This relocation will result in a de minimis wetland impact of 0.013 hectares. The project is located on T-532 across Sawmill Run approximately 200 feet southwest of the intersection of T-632 and S. R. 3021 (Punxsutawney, PA Quadrangle N: 13.7 inches; W: 15.1 inches) located in Young Township, **Jefferson County**.

**E33-191.** Encroachment. **Jefferson County Commissioners**, 155 Main Street, Jefferson Place, Brookville, PA 15825. To remove the existing structure (County Bridge No. 26) on T-337 and to construct and maintain a three-span prestressed concrete spread box beam structure with three clear spans of 78.5 feet each with a minimum underclearance of approximately 14.5 feet on an 80-degree skew across Redbank Creek (TSF). The project will replace the existing structure which was damaged during the July 1997 floods. The project is located on T-337 across Redbank Creek approximately 500 feet southwest of the intersection of T-337 and S. R. 3007 in the Village of Heathville (Summerville, PA Quadrangle N: 16.5 inches; W: 7.8 inches) located in Beaver Township, **Jefferson County**.

### DAM SAFETY

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D46-324.** Dam. **Gambone Brothers Development Company** (P. O. Box 287, Fairview Village, PA 19409). To construct, operate and maintain a regional stormwater detention dam across a tributary to the Schuylkill River (WWF) (Norristown, PA Quadrangle N: 14.7 inches; W: 14.8 inches) in Upper Merion Township, **Montgomery County**. This facility is at the site of the proposed Gulph Mills Business Park.

### ENVIRONMENTAL ASSESSMENT

**Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D36-029EA.** Environmental Assessment. **Manheim Township Parks and Recreation Department** (1840 Municipal Drive, Lancaster, PA 17601). To remove the partially breached Eden Paper Mill Dam for the purpose of restoring the Conestoga River (WWF) to a free flowing condition. The dam is located approximately 600 feet upstream of State Route 23 where it crosses the Conestoga River (Lancaster, PA Quadrangle N: 14.35 inches; W: 1.40 inches) in Manheim and East Lampeter Townships, **Lancaster County**.

### ACTIONS

#### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

**[National Pollution Discharge Elimination System Program (NPDES)]**

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

#### Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**NPDES Permit No. PA0053473.** Sewerage. **Thornbury Township**, 490 Thornton Road, Cheyney, PA 19319 is authorized to discharge from a facility located in Thornbury Township, **Delaware County** into Chester Creek.

**NPDES Permit No. PA0013323, Amendment No. 1.** Industrial. **Boeing Defense & Space Group Helicopter Division**, P. O. Box 16858, Philadelphia, PA

19142-0858 is authorized to discharge from a facility located in Ridley Township, **Delaware County** into Crum Creek, Darby Creek and Delaware River.

**4692208. Amendment No. 1. Industrial. J.A.G. Oil Inc., Gisoni Sunoco Service Station**, Welsh and Norristown Roads, Maple Glen, PA 19002. Request modifications to the monitoring frequency contained in the Water Quality Permit 4692208 issued October 29, 1993 located in Horsham Township, **Montgomery County**.

**1596414. Sewerage. London Grove Township Municipal Authority**, 555 West Baltimore Pike No. 200, West Grove, PA 19390-9252. Construction and operation of a sewage treatment plant to serve the Inniscrone Residential Development in London Grove Township, **Montgomery County**.

**4697414. Sewerage. Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. Construction and operation of two pump stations, force main and gravity sewers to serve residents in Limerick Township, **Montgomery County**.

*Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

**Permit No. 3697407. Sewerage. East Cocalico Township Authority**, P. O. Box 402, Reamstown, PA 17567 to construct sewers and appurtenances in East Cocalico Township, **Lancaster County**.

**Permit No. 0597406. Sewerage. Saxton Borough Municipal Authority**, P. O. Box 173, Saxton, PA 16678 to construct sewers and appurtenances in Saxton Borough, **Bedford County**.

**Permit No. 5097401. Sewerage. Bishop Single Resident STP**, R. D. 2, Box 67, Loysville, PA 17047-9626 to construct sewage facilities in Southwest Madison Township, **Perry County**.

**Permit No. 0597401, Amendment No. 1. Sewerage. Broad Top Township**, Box 57, Defiance, PA 16633 to modify sewage treatment facilities in Broad Top Township, **Bedford County**.

**Permit No. 3872401, Amendment No. 3. Sewerage. Carmeuse Pennsylvania, Inc.**, P. O. Box 160, Annville, PA 17003 to transfer permit

**NPDES Permit No. PA0085227. Sewerage. Mr. and Mrs. Clarence O. Baker**, 9950 Pine Road, Orrstown, PA 17244 is authorized to discharge from a facility located in Letterkenny Township, **Franklin County** to an unnamed tributary of Conodoguinet Creek.

**NPDES Permit No. PA0080713. Sewerage. Carmeuse Pennsylvania, Inc.**, P. O. Box 160, Annville, PA 17003 is authorized to discharge from a facility located in North Londonderry Township, **Lebanon County** to the receiving waters named Killinger Creek.

**NPDES Permit No. PA0032000. Sewerage. PA DCNR State Parks Bureau, Gifford Pinchot State Park**, 2200 Rosstown Road, Lewisberry, PA 17339-9787 is authorized to discharge from a facility located in Warrington Township, **York County** to the receiving waters named Conewago Creek.

**NPDES Permit No. PAG043578. Sewerage. Single family residence. Edna J. Bishop**, R. D. 2, Box 67, Loysville, PA 17047 is authorized to discharge from a facility located in Southwest Madison Township, **Perry County** to the receiving waters of an unnamed tributary to Shermans Creek.

**NPDES Permit No. PA0028746, Amendment No. 1. Hampden Township**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055 is authorized to discharge from a facility located in Hampden Township, **Cumberland County** to the receiving waters of an unnamed tributary to the receiving waters named Conodoguinet Creek.

**NPDES Permit No. PA0026972, Amendment No. 1. Exeter Township, Berks County Authority**, 400 Hanover Street, Birdsboro, PA 19508-9181 is authorized to discharge from a facility located in Exeter Township, **Berks County** to the receiving waters named Schuylkill River.

**NPDES Permit No. PAG053513, Amendment No. 1. Exxon Company, USA**, 2567 University Avenue, Suite 5008, Morgantown, WV 26505 is authorized to discharge from a facility located in Hopewell Township, **Cumberland County** to the receiving waters named tributary of Newburg Run in Lurgan Township, **Cumberland County**.

**NPDES Permit No. PA0009164, Amendment No. 1. Industrial waste. Standard Steel**, 500 North Walnut Street, Burnham, PA 17009 is authorized to discharge from a facility located in Burnham Borough, **Mifflin County** to the receiving waters named Kishacoquillas Creek.

*Northcentral Regional Office, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0021687. Sewerage. Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901. Renewal was granted to the Authority to discharge from a facility located at Wellsboro Borough, **Tioga County**.

**NPDES Permit No. PAG044973. Sewerage. Juan B. Torres and Cheryl L. Wagner**, R. R. 3, Box 462, Catawissa, PA 17820. Transfer of ownership has been completed for single family residence located at Franklin Township, **Columbia County**.

**Permit No. WQM 1975401-T2. Sewerage. Juan B. Torres and Cheryl L. Wagner**, R. R. 3, Box 462, Catawissa, PA 17820. Transfer in ownership has been completed for single family residence located in Franklin Township, **Columbia County**.

*Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0102245. Sewerage. Venango Human Services Center, Inc.**, P. O. Box 231, Franklin, PA 16323 is authorized to discharge from a facility located in Cranberry Township, **Venango County** to an unnamed tributary to the Allegheny River.

**NPDES Permit No. PA0035505. Sewerage. Faith Builders Educational Programs**, 28500 Townville Road, Guys Mills, PA 16327 is authorized to discharge from a facility located in Randolph Township, **Crawford County** to an unnamed tributary to Woodcock Creek.

**NPDES Permit No. PA0102156. Industrial waste. GAF Building Materials Corporation**, P. O. Box 1128, Erie, PA 16512 is authorized to discharge from a facility located in the City of Erie, **Erie County** to an unnamed tributary to Presque Isle Bay.

**NPDES Permit No. PA0222437. Sewerage. PEC Management, I-80 Development Project**, 1250 Tower Lane, Erie, PA 16505 is authorized to discharge from a facility located in East Lackawannock Township, **Mercer County** to an unnamed tributary to Neshannock Creek.



**NPDES Permit No. PA0222402.** Sewage. **Dover-spike Brothers Coal Company**, R. D. 4, Box 271, Punxsutawney, PA 15767 is authorized to discharge from a facility located in Knox Township, **Jefferson County** to an unnamed tributary to Five Mile Run.

**WQM Permit No. 4397411.** Sewage. **Hemlock Mobile Home Park**, R. D. 6, Box 604, New Castle, PA 16101. This project is for the construction and operation of a wastewater treatment plant to serve a mobile home park in Wolf Creek Township, **Mercer County**.

**WQM Permit No. 4397412.** Sewage. **City of Farrell**, 500 Roemer Boulevard, Farrell, PA 16121. This project is for the upgrade/expansion of the Farrell Sewage Treatment Plant and sewer replacement work on the Farrell Terrace sewer line in Farrell, **Mercer County**.

#### INDIVIDUAL PERMITS (PAS)

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G276	William Bernard Peddler's Village, 19A Christiana, DE 19702	East Pikeland Twp. Chester County	French Creek
PAS10-G277	Great Valley School District P. O. Box 617 Devault, PA 19432	East Whiteland Twp. Chester County	Valley Creek
PAS10-T085	PA Department of Transportation Engineering District 6 200 Radnor-Chester Rds. St. Davids, PA 19087	Upper Merion Twp. Montgomery County Tredyffrin Twp. Chester County	Abrams Run and Schuylkill River

*Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q135	Pa. Dept. of Transportation District 5-0 1713 Lehigh Street Allentown, PA 18103	Lehigh County City of Bethlehem Bethlehem Twp. Hanover Twp.	Lehigh River
PAS101312	Pa. Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Lehigh County Whitehall Twp. Carbon County Penn Forest Twp.	Yellow Run
PAS101313	Kevin Lamont R. R. 2, Box 1162 Drums, PA 18222	Carbon County Weatherly Borough	Tributary to Black Creek
PAS10Q138	Jaindl Land Development Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh County Lower Macungie Twp.	Spring Creek

*Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by an aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

*Southeast Regional Office, Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A060-4	Port Authority of Allegheny Co. 2235 Beaver Ave. Pittsburgh, PA 15233-1080	Allegheny Co. City of Pittsburgh Carnegie Borough Crafton Borough Ingram Borough Rosslyn Farms Borough	Monongahela River Ohio River Chartiers Creek Campbells Run Saw Mill Run
PAS10A097	Spectra Development Co. 2593 Wexford Bayne Rd. Sewickley, PA 15143	Allegheny Co. Franklin Park Borough	Pine Creek
PAS10A103	Robison Peripheral Developers 10800 Brookpark Rd. Cleveland, OH 44130	Allegheny Co. Moon Township Robinson Township North Fayette Twp.	Tributary to Montour Run Montour Run
PAS10W063	Gustine Washington Associated LTD 2100 Wharton St. Suite 700 Pittsburgh, PA 15203-1948	Washington County South Strabane Twp.	Tributary to Chartiers Creek
PAS10X080	NBI Properties, Inc. c/o Gustine Company 2100 Wharton St. Suite 700 Pittsburgh, PA 15203-1948	Westmoreland Co. Rostraver Township	Tributary to Pollock Run
PAS10X082	Dept. of Environmental Protection Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105	Westmoreland Co. Derry Township	Tributary to Stoney Run

### INDIVIDUAL PERMITS

#### (PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

#### *List of NPDES and/or other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Sys- tems

*List of NPDES and/or other  
General Permit Type*

PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, A Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG 2*

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office  
and Telephone No.*

Northampton County Portland Borough	PAR10U076	Ultra Poly Corp. Steiger and Beatty Streets Hackettstown, NJ 07840	Delaware River	Northampton CD (610) 746-1971
Upper Salford Township Montgomery Co.	PAR10-T369-R	Bryan Hunsberger 1250 Winter Lane Schwenksville, PA 19473	Perkiomen Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Radnor Twp. Delaware County	PAR10-J008-R	Kanzanjan Builders P. O. Box 460 Villanova, PA 19085	Darby Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Marple Twp. Delaware Co.	PAR10-J029-R	The McKee Group 900 West Sproul Rd., Suite 301 Springfield, PA 19064	Crum Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Edgmont Twp. Delaware Co.	PAR10-J065-R	Dennis Meinhart 75 West Baltimore Pike Media, PA 19063	Geist Reservoir	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Concord Twp. Delaware Co.	PAR10-J056-R	Luren Dickinson Old Dickinson Building Baltimore Pike Chadds Ford, PA 19317	West Branch Chester Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Ridley Twp. Delaware Co.	PAR10-J012-R	Siters Square Developers, Inc. 651 Acer Avenue Morton, PA 19070	Stoney Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Ridley Twp. Delaware Co.	PAR10-J073-R	Harper Associates P. O. Box 384 Ridley Park, PA	Little Crum Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Radnor Twp. Delaware Co.	PAR10-J090-R	Bedford Realty Associates 1595 Paoli Pike West Chester, PA 19380	Meadowbrook Run	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Upper Chichester Twp. Delaware Co.	PAR10-J035-R	Yorktown 1781 Developers P. O. Box 120 Thornton, PA 19323	West Branch Naamans Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
Nether/Upper Providence Twps. Delaware Co.	PAR10-J063-R	Atwsee Realty LP 1595 Paoli Pike West Chester, PA 19380	Crum Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
City of Chester Delaware Co.	PAR10-J067-R	PA DOT 200 Radnor-Chester Road St. Davids, PA 19087-5178	Delaware River	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
City of Philadelphia Philadelphia Co.	PAR10-5313	City of Philadelphia Department of Streets JFK Boulevard Philadelphia, PA 19102-1676	Schuylkill River and Delaware River Watershed	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
City of Philadelphia Philadelphia Co.	PAR10-5314	Philadelphia Industrial Devel. Corp. 1500 Market St. Philadelphia, PA 19102	Delaware and Schuylkill Rivers	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428
City of Philadelphia Philadelphia Co.	PAR10-5315	Sharon Baptist Church of Philadelphia 5845 Catherine St. Philadelphia, PA 19143	Unnamed Tributary to Schuylkill River	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428

*General Permit Type—PAG 3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Warren City Warren Co.	PAR808312	Crossett, Inc. P. O. Box 946 201 S. Carver St. Warren, PA 16365	Allegheny River	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Bradford Twp. McKean Co.	PAR808314	Crossett, Inc. P. O. Box 946 Warren, PA 16365	Rutherford Run	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Jamestown Borough Mercer Co.	PAR158301	Jamestown Paint Company 108 Main St. P. O. Box 157 Jamestown, PA 16134	Shenango River	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Wesleyville Borough Erie Co.	PAR708303	Joseph McCormick Construction Co., Inc. P. O. Box 176 Erie, PA 16512	Four Mile Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Ellwood City Borough Lawrence Co.	PAR118301	Emess Lighting, Inc. 1 Early St. Ellwood City, PA 16117	Connoquenessing Crk. and Unnamed Tributary to Connoquenessing Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Lake City Borough Erie Co.	PAR208356	Progress Rail Services Corp. 1600 Progress Dr. Albertville, AL 35950	Lake Erie	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Winslow Twp. Jefferson Co.	PAR608312	Wells Auto Wreckers R. D. 2, Box 180 Reynoldsville, PA 15851	Soldier Run	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie Co.	PAR208318	Zurn Industries, Inc. 1301 Raspberry St. Erie, PA 16502-1543	Lake Erie	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Oil City Venango Co.	PAR208326	Webco Industries P. O. Box 100 Sand Springs, OK 74063	Oil Creek	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie Co.	PAR708305	Mayer Brothers Construction Co. 1902 Cherry St. Erie, PA 16502	Cascade Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Zelienople Borough Butler Co.	PAR218305	BNZ Materials, Inc. 191 Front St. Zelienople, PA 16063	Connoquenessing Crk. and Unnamed Tributary of Connoquenessing Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Spartansburg Borough Crawford Co.	PAR228315	Clear Lake Lumber, Inc. P. O. Box 129 Mill St. Spartansburg, PA 16434	Clear Lake and Unnamed Tributary to Clear Lake	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie Co.	PAR208310	Custom Engineering Co. 2800 McClelland Ave. Erie, PA 16510	Lake Erie	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Slippery Rock Twp. Butler Co.	PAR118323	Heckett Multi Serv P. O. Box 1071 Butler, PA 16001	Glade Run Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Washington Twp. Jefferson Co.	PAR808319	Clearfield-Jefferson Counties Regional Airport Authority P. O. Box 299 Falls Creek, PA 15840	Horm Run	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Sugar Grove Twp. Mercer Co.	PAR808307	Anderson Realty One Anderson Plaza Greenville, PA 16125-9423	Little Shenango River	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
West Mead Twp. Crawford Co.	PAR208311	Meadville Forging Co. P. O. Box 459D Meadville, PA 16335	Unnamed Tributary to French Creek	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

*General Permit Type—PAG 4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Beaver Co. Daugherty Twp.	PAG046134	Mary Louise Thomas 143 Florence Rd. New Brighton, PA 15066	Blockhouse Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office  
and Telephone No.*

Waterford Twp. Erie Co.	PAG048450	John H. and Janet A. Kerr 2230 Old Wattsburg Rd. Waterford, PA 16441	Wheeler Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
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*General Permit Type—PAG 5*

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office  
and Telephone No.*

Westmoreland Co. East Huntingdon Twp.	PAG056110	Groomes Transit, Inc. Donald A. Groomes R. D. 2, Box 87 Scottdale, PA 15683	Jacobs Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000
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**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

**Plan Approval granted under the Pennsylvania  
Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Northeast Regional Office, Water Management Program  
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790,  
(717) 826-2553.*

*Location: Paradise Township, Monroe County*

The Department has reviewed an Update Revision/Special Study to the Paradise Township Official Sewage Facilities Plan which was developed by **F. X. Browne, Inc.** This review has found this Update Revision/Special Study acceptable and is granted planning approval. This review has not identified any significant environmental impacts resulting from this project.

This Special Study/Update Revision proposes changing the Township's Official Sewage Facilities Plan from committing that the Township's Sewage Enforcement Officer will survey the sewage disposal needs of approximately 25% of the Township each year to now requiring the development of a list of problem areas and inspect one specific problem area each year on a rotational basis.

*Location: Ringtown Borough, Schuylkill County*

The Department has reviewed an Update Revision/Special Study to the Ringtown Borough Official Sewage Facilities Plan which was developed by **Spotts, Stevens and McCoy, Inc.** and entitled: "Act 537 Sewage Facilities Special Study, April 1997." This review has found the Update Revision/Special Study acceptable and is granted planning approval. The Departmental review of this Update Revision/Special Study has not identified any significant environmental impacts results from this project.

This Update Revision/Special Study commits the Ringtown Municipal Authority and Ringtown Borough to: (1) initiate cooperative efforts to enforce a storm drainage connection ban of the sanitary sewer system by January 1997; (2) replace identified sewage lines by September 1998; (3) replace or upgrade specific needed equipment at the sewage treatment facilities by September 1999; (4) evaluate the success of the inflow/infiltration reduction

program and re-examine the sewage treatment plant capacity and options for improvement by January 2000.

*Location: Nicholson Township, Wyoming County*

*Benton Township, Lackawanna County*

The Department has reviewed an Update Revision to the Nicholson Township, Wyoming County and Benton Township, Lackawanna County Official Sewage Facilities Plans which were developed by **William G. Karam Associates, Inc.** This review has found the Update Revision acceptable and is granted planning approval. The Department's review of this Update Revision has not identified any significant environmental impact from the proposed selective alternative.

The Update Revision provides for construction of a sewage collection system and a 0.140 mgd sequential batch reactor sewage treatment plant to be located at the western end of Lake Sheridan along Township Route 558 which will discharge treated effluent into an unnamed tributary of the south branch of the Tunkhannock Creek. The collection and conveyance system will serve Lake Sheridan, Baylors Lake and Lake Kewanee. This Update Revision provides a Schedule of Implementation which will call for the above described facilities to be constructed and operational by December 1, 2000.

*Location: Jefferson Township, Lackawanna County*

The Department has reviewed an Update Revision to the Jefferson Township Official Sewage Facilities Plan which was developed by **BCM/Smith Technology Corporation** and dated April, 1997. This Departmental review has found the Update Revision acceptable and is granted planning approval. The Department's review of this Update Revision has not identified any significant environmental impact from the project.

This Update Revision proposes modification of the Jefferson Township Official Sewage Facilities Plan to include the construction of a sewage interceptor to serve the Moosic Lakes area of Jefferson Township with ultimate sewage treatment to be provided at the Township's wastewater treatment plant.

*Northcentral Regional Office, Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-0530.*

*Location:* Armstrong Township, **Lycoming County**

**Project Description:** The Department has approved an Act 537 update revision for the Route 15 corridor area of Armstrong Township. The approved plan calls for construction of a new gravity wastewater collection system to initially serve approximately 100 commercial and residential equivalent dwelling units in Armstrong Township. A new pump station will also be constructed in the township to pump the collected Armstrong Township wastewater into the existing South Williamsport Borough collection system for conveyance to the existing Williamsport Sanitary Authority wastewater treatment facility. Discharge of the treated effluent will be to the West Branch of the Susquehanna River.

Per the provisions of a partnership agreement, the **Lycoming County Water & Sewer Authority** will design, construct and operate the new Armstrong Township facilities.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

*Location:* Forward Township, **Allegheny County**, 500 Leggett Avenue, Monongahela, PA 15063

The proposed project provides for the abandonment of existing malfunctioning onlot septic systems in the **Fallen Timber Run Watershed** of Forward Township through the construction of sanitary sewers. Treatment will be provided at the existing Elizabeth Borough STP. Total project cost is estimated at \$4.6 million.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) has been identified as a funding source for this project. The Department's review of the report on compliance with the PA State Revolving Loan Fund (SRF) requirements for the planning and design phases of the project has not identified any significant environmental impacts resulting from this project.

*Location:* Allegheny Township, **Westmoreland County**, 136 Community Building Road, Leechburg, PA 15656

The Allegheny Township approved revision provides for the **Municipal Authority of Allegheny Township** (Authority) to abandon the existing and overloaded Chartiers Run Sewage Treatment Plant (NPDES PA0045926) through the construction of three pump stations, force mains and sewers along Melwood Road. Sewer extensions and service will also be made to homes along the constructed facilities. A connection is to be made to the existing Pine Run interceptor and treatment will be provided at the Kiski Valley Water Pollution Control Authority's Sewage Treatment Plant (NPDES PA0027626).

The Authority proposes to use Pennsylvania's State Revolving Fund administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST) for the construction of these sewerage facilities. The Department's review of the Sewage Facilities Update Revision and information received has not identified any significant environmental impact resulting from this proposal.

## SAFE DRINKING WATER

**Application issued for Operation Permits issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 1896501.** The Department issued an operating permit to Kettle Creek State Park (DCNR—Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551, Leidy Township, **Clinton County**) for operation of the recently constructed filtration plant, intake structure and transmission and distribution lines.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**Under Act 2, 1995**

### Preamble 3

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Artco Corp.**, Hatfield Township, **Montgomery County**. Douglas H. Samak, P. G., American Analytical and Environmental, Inc., 738 Front St., Catasauqua, PA, 18032, has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide health standard.

*Northeast Regional Field Office, Joseph A. Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Pennsylvania Power & Light Company (PP&L)—Distribution pole #56475N44790 (Hamm Court)**, City of Scranton, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

## **SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES**

**Applications returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Regional Office, Regional Solid Waste Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.*

**A. WMGR038SE002. T. T. Recycling**, 5170 East Valley Road, Center Valley, PA 18034. The application for a determination of applicability under Waste Tire General Permit No. WMGR038 was returned because of the applicant's failure to respond to outstanding deficiencies with the application. Application returned by the Southeast Regional Office on November 4, 1997.

## **HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Proposed actions of applications for permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.**

*Regional Office, Regional Solid Waste Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.*

Persons wishing to comment on the proposed permit actions are invited to submit a statement to the Regional Office indicated as the office responsible, within 60 days from the date of this public notice. All comments received within the 60-day period will be considered in the formulation of the final determination regarding an application. All responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 60-day comment period and/or public hearing the Regional Solid Waste Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Draft Denial Prepared:*

**Malter-Hamilton Chemical Company** is currently operating under interim status. The Company submitted an application for a determination of applicability to operate under permit-by-rule as a hazardous waste recycling facility under 25 Pa. Code Chapter 266, Subchapter I. The Department has made a preliminary determination that the cited permit-by-rule provisions are not applicable to this company's operations. Specifically, 25 Pa. Code § 261.6(a)(4) is not met as required under § 266.100,

regarding eligible wastestreams. This is a draft notice of the Department's intent to deny the determination of applicability request.

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Intent to Renew Permit:*

**PAD981110570. Horsehead Resource Development Company, Inc.**, 300 Frankfort Road, Monaca, PA 15061-2295. Operation of a hazardous waste treatment facility for the purposes of research development and demonstration located in Potter Township, **Beaver County**. The company's August 5, 1997 request to have its permit renewed for a period of 3 years until January 13, 2001 was tentatively approved by the Department on November 14, 1997.

## **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.*

**Permit No. 101649.** Permit Modification. **Phoenix Resources Inc.** Construction/Demolition Facility, (P. O. Box 38, Blossburg, PA 16912). Modification to revise attenuating soil base specification of municipal C/D landfill located in Duncan Township, **Tioga County**, issued in the regional office on November 7, 1997.

**Permit No. 101217.** Permit Modification. **Wellsboro Area Transfer Station, Casella Waste Management of PA** (200 Tioga St., Wellsboro, PA 16901). Modification to existing transfer station located in Delmar Township, **Tioga County**. Permit modification issued in the regional office on November 6, 1997.

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*



**Permit No. 300934. International Paper Company** (Lowville III Landfill), PA Route 8, 2 miles north of the Village of Lowville. Repermit modification issued under 25 Pa. Code § 287.115 to operate a residual waste landfill. The landfill is located in Venango Township, **Erie County**. Permit modification issued in the Regional Office on October 28, 1997.

## AIR POLLUTION OPERATING PERMITS

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-23-0062GP: PA Dept. of Corrections—State Correctional Institute—Chester** (500 East Morton Street, Chester, PA 19013) issued October 24, 1997, for small combustion unit in City of Chester, **Delaware County**.

## PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**48-309-082B: Keystone Portland Cement Co.** (Route 329, Drawer A, Bath, PA 18014) for the modification of a clinker and conveyor system with air pollution control by baghouses in East Allen Township, **Northampton County**.

**48-309-099: Federal White Cement Co.** (75 W. 21st Street, Northampton, PA 18067) for the modification of five cement silos with air pollution control by a baghouse in Northampton Borough, **Northampton County**.

**48-310-031G: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for the construction of a stone crushing plant with air pollution control by a water spray in Bethlehem Township, **Northampton County**.

*Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.*

**06-1007J: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) issued on November 7, 1997, for the construction of a ESR Furnace H controlled by a lime injection system and fabric collector at their Reading Plant in Reading, **Berks County**.

**06-302-141D: Sunsweet Growers, Inc.** (P. O. Box 608, Fleetwood, PA 19522) issued on November 5, 1997, for the modification of a boiler (Johnston) located at their Fleetwood Plant in Fleetwood, **Berks County**. This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**36-304-091: Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368-0400) issued on November 7, 1997, for the construction of an iron foundry operation at their Mt. Joy Plant in Mt. Joy Borough, **Lancaster County**.

**36-310-074: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) issued on November 5, 1997, for the construction of the portable crushing plant controlled by wet suppression in East Cocalico Township, **Lancaster County**.

**67-309-106: J. E. Baker Company** (320 North Baker Road, York, PA 17404) issued on November 5, 1997, for the installation of two rotary kiln feed systems controlled by a fabric filter in West Manchester Township; **York County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

#### *Coal Permits Issued*

**03920110R. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in South Bend Township, **Armstrong County**, affecting 37.7 acres. Receiving steams Crain Run to Crooked Creek. Application received October 1, 1997. Renewal issued November 4, 1997.

**03910113R. Walter L. Houser Coal Co., Inc.** (R. D. 1, Box 434, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Valley and Rayburn Townships, **Armstrong County**, affecting 106.1 acres. Receiving streams two unnamed tributaries to Cowanshannock Creek. Application received September 9, 1997. Renewal issued November 4, 1997.

**03950105. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Permit revised to modify the permit limits and to construct a temporary bridge crossing on Buffalo Creek, at a bituminous surface/auger mine, portable crusher/sandstone and shale removal operation located in West Franklin Township, **Armstrong County**, affecting 439 acres. Application received August 18, 1997. Revision issued November 4, 1997.

**26830201. Carbon Fuel Resources, Inc.** (P. O. Box 275, West Leisenring, PA 15489). Permit revised to allow mining activities within 300 feet of three residences and the Monarch Volunteer Fire Department, at a bituminous surface/coke breeze mine located in Dunbar Township, **Fayette County**, affecting 86.7 acres. Application received January 30, 1997. Revision issued October 28, 1997.

**26920101R. Black Rock Exploration Co., Inc.** (273 Main Street, Greenville, PA 16125-2030). Renewal issued for reclamation only of a bituminous surface/auger mine located in Brownsville Borough, and Brownsville, Luzerne and Redstone Townships, **Fayette County**, affecting 60.2 acres. Receiving streams Dunlap Creek. Application received August 22, 1997. Renewal issued November 4, 1997.

**03930103T. Rosebud Mining Company** (R. D. 1, Box 379A, Kittanning, PA 16201). Permit transferred from General Mining, Inc. for a bituminous surface mine/deep mine portal located in Plumcreek Township, **Armstrong County**, and Washington Township, **Indiana County**, affecting 73 acres. Receiving streams one unnamed tributary to Dutch Run, to Dutch Run. Application received June 10, 1997. Transfer issued November 4, 1997.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

**56870106.** Permit Renewal. **Zubek, Inc.** (173 House Coal Road, Berlin, PA 15530), commencement, operation and restoration of a bituminous strip-auger-valid for reclamation, only mine in Stonycreek Township, **Somerset County**, affecting 69.8 acres, receiving stream Schrock Run and an unnamed tributary to Schrock Run; application received October 15, 1997, permit issued October 29, 1997.

**11930101.** Permit Renewal. **Wesott, Inc.** (P. O. Box 328, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip-valid for reclamation, only mine in Boro of Hastings; Elder Township, **Cambria County**, affecting 15.0 acres, receiving stream unnamed tributary to/and Brubaker Run; application received October 22, 1997, permit issued October 29, 1997.

**32920102.** Permit Renewal. **Kent Coal Mining Company** (P. O. Box 729, Indiana, PA 15701), commencement, operation and restoration of a bituminous strip-auger mine in Young Township, **Indiana County**, affecting 190.0 acres, receiving stream Marshall Run and unnamed tributaries to Marshall Run; application received September 8, 1997, permit issued November 3, 1997.

**1-02389-56813006-14.** Stream Encroachment Application. **NSM Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), is requesting permission to construct two stream crossings on an unnamed tributary to Clear Run approximately 3,100 feet and 4,700 feet, respectively, upstream of S. R. 0160's crossing of Clear Run. Application received September 9, 1997, issued November 7, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**16803004. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214), transfer of an existing bituminous strip, auger and tippel refuse disposal operation in Perry Township, **Clarion County** affecting 165.0 acres. Receiving stream unnamed tributaries to Fiddlers Run. This permit is transferred from C & K Coal Company. Application received August 26, 1997. Permit issued October 22, 1997.

*McMurray District Office*

**63831302. Eighty Four Mining Company** (P. O. Box 729, Indiana, PA 15701), to renew the permit for Mine 84 in Somerset Township, **Washington County** to revise the subsidence control plan, no additional discharge. Permit issued November 4, 1997.

**56961302. K. B. Coal Co., Inc.** (P. O. Box 4091, Hidden Valley, PA 15502), to transfer the permit for the

Miller Mine in Lincoln Township, **Somerset County** from Dunamis Resources, Inc. and add permit and subsidence control plan acres and a postmining land use change, no additional discharges. Permit issued November 5, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**49830202T. Split Vein Coal Company, Inc.** (R. R. 1, Box 1027, Paxinos, PA 17860), transfer of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 276.5 acres, receiving stream none. Transfer issued November 3, 1997.

**49851603T. Split Vein Coal Company, Inc.** (R. R. 1, Box 1027, Paxinos, PA 17860), transfer of an existing coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres, receiving stream none. Transfer issued November 3, 1997.

**54851336R2. Summit Anthracite, Inc.** (R. R. 1, Box 12A, Klingerstown, PA 17941), renewal of an anthracite deep mine operation in Porter Township, **Schuylkill County** affecting 12.8 acres, receiving stream Good Spring Creek. Renewal issued November 3, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *General Small Noncoal Authorizations Granted*

**49970801. James L. Trego** (R. R. 1, Box 126B, Sunbury, PA 17801), commencement, operation and restoration of a small quarry operation in Lower Augusta Township, **Northumberland County** affecting 1.0 acres, receiving stream none. Authorization granted November 4, 1997.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### *Coal Applications Withdrawn*

**11970102. E. P. Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip beneficial use of circulating fluidized bed (CFB) ash mine in Dean Township, **Cambria County**, affecting 87.0 acres, receiving stream unnamed tributaries to Brubaker Run and Tubb Run (topographic drainage for abandoned mine reclamation only); application received April 18, 1997, application withdrawn November 3, 1997.

**32920104.** Permit Revision. **Opal Industries, Inc.** (P. O. Box 980, Latrobe, PA 15650), revision to an existing bituminous strip operation to change the postmining land use from forestland to pastureland on the Steve Skapura property in Conemaugh Township, **Indiana County**, affecting 88.0 acres. Receiving streams unnamed tributary to/and Blacklegs Creek. Application received October 6, 1997, application withdrawn November 3, 1997.

#### **ABANDONED MINE RECLAMATION**

#### **Office of Mineral Resources Management, Action under Act 181 approved October 12, 1984.**

*Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476.*

*Bond Forfeiture Contract Awarded: BF 41-101.1. Location: South Beaver Township, Beaver County. Description: Abandoned Mine Land Reclamation Project, Bear Hollow Mining Co., South Beaver Township, Beaver County, PA. Contractor: J & J Snyder, Inc. Amount: \$13,836.25. Date of Award: August 22, 1997.*

*Bond Forfeiture Contract Awarded: BF 418-101.1. Location: Oliver Township, Jefferson County. Description: Bond Forfeiture Reclamation Project, Champion Coal Company, Oliver Township, Jefferson County, PA. Contractor: Original Fuels, Inc. Amount: \$50,078.50. Date of Award: September 4, 1997.*

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment Approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board, (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-778.** Encroachment Permit. **PECO Energy Company**, 680 Ridge Pike, Plymouth Meeting, PA 19462-1945. To relocate aerial utilities into underground electrical duct bank systems. The proposed work is associated with the proposed roadway and interchange modification to U. S. Route 202 Section 400 from Swedesford Road to Gulph Road (Valley Forge, PA Quadrangle Start W: 5.0 inches; N: 13.8 inches; End W: 1.6 inches; N: 15.2 inches) in Tredyffrin Township. **Chester County** and Upper Merion Township, **Montgomery County**. The work consists of the following:

1. To construct and maintain six concrete encased, 6-foot by 2-foot, electrical duct bank utility line stream crossings of an unnamed tributary to Trout Creek (WWF) located at station 213+00 of the proposed Devan Park Drive, situated approximately 800 feet northeast of Old

Eagle School Road and Devan Park Drive intersection. This work includes 320 feet of temporary channel diversion.

2. To install and maintain two 48 inch utility line stream crossings under Crow Creek (WWF) located near Station 82+50 of I-76.

This application also includes a request for an Environmental Assessment approval to install a riser pipe for temporary sediment basin No. 3 in an unnamed tributary of Trout Creek. This riser pipe will be attached to an existing culvert which extends beneath an abandoned railroad embankment.

*Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E05-252.** Encroachment. **Londonderry Township Board of Supervisors**, Stanley Corley, R. D. 1 Box 185, Buffalo Mills, PA 15534. To replace the existing bituminous deck with a steel grate; to install additional steel stringers; to place a concrete collar at the left abutment and maintaining the bridge structure across Little Wills Creek on T-328 located in Fossilville Village about 1,000 feet from its intersection with PA 96 (Hyndman, PA Quadrangle N: 21.35 inches; W: 9.92 inches) in Londonderry Township, **Bedford County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E05-253.** Encroachment. **New Enterprise Stone & Lime Co., Inc.**, Lon Reffner, P. O. Box 77, New Enterprise, PA 16664. To construct a 24' x 56' office building within the 100-year floodway on the right bank of Three Springs Run located downstream of Church Street Bridge (SR 1015) in New Enterprise Village (New Enterprise, PA Quadrangle N: 8.15 inches; W: 4.65 inches) in South Woodbury Township, **Bedford County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E06-496.** Encroachment. **Forgedale Pines, Inc.**, John Santarelli, 601 Tuckerton Avenue, Temple, PA 19560. To disturb 0.048 acre of wetlands with the construction of a pond and an access road near the channel of a tributary to Bieber Creek at a point along Davids Drive (Fleetwood, PA Quadrangle N: 13.3 inches; W: 2.1 inches) in Rockland Township, **Berks County**. The amount of wetland impact is considered de minimis and wetland mitigation is not required. This permit also includes 401 Water Quality Certification.

**E06-497.** Encroachment. **Bally Boro**, Robert Moll, 425 Chestnut Street, P. O. Box 217, Bally, PA 19503. To place fill along the bank, to construct a 12-inch outfall pipe and associated riprap and to construct a flow monitoring weir in and along the channel of a tributary to the West Branch of Perkiomen Creek at a point downstream of Gehman Road (East Greenville, PA Quadrangle N: 3.75 inches; W: 10.2 inches) in Washington Township, **Berks County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E21-268.** Encroachment. **Lisburn Fire Company**, Jake Bliek, 1800 Main Street, Mechanicsburg, PA 17055. To construct and maintain a 5-foot wide, 60-foot span foot bridge across a mill race to provide access to an existing ball field located 300 feet west of Yellow Breeches Creek just upstream of PA 114 bridge in Lisburn Village (Lemoyne, PA Quadrangle N: 7.75 inches; W: 4.55 inches) in Lower Allen Township, **Cumberland County**. This per-

mit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E21-272.** Encroachment. **Guy Kunkleman**, 42 Kunkleman Lane, Shippensburg, PA 17257. To remove the existing structure and to construct and maintain a new bridge with steel beams and timber decking over Reservoir Hollow (unnamed tributary to Burd Run) on Kunkleman Lane to provide continued access to their home located in Cleversburg Village (Walnut Bottom, PA Quadrangle N: 7.6 inches; W: 13.2 inches) in Southampton Township, **Cumberland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E22-371.** Encroachment. **Hersheypark**, Jeffrey Budgeon, 100 W Hersheypark Drive, Hershey, PA 17033. To construct and maintain a roller coaster along and across the channel of Spring Creek at a point at Hersheypark (Hershey, PA Quadrangle N: 6.5 inches; W: 4.5 inches) in Derry Township, **Dauphin County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E34-087.** Encroachment. **James Fogle**, P. O. Box 800, R. R. 1, McAlisterville, PA 17049. To maintain an existing 8-foot x 6-foot arch culvert in the channel of Little Lost Creek at a point approximately 1,000 feet upstream of Route 235 (McClure, PA Quadrangle N: 2.9 inches; W: 3.0 inches) in Fayette Township, **Juniata County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E44-086.** Encroachment. **PA Dept. of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830. To remove an existing bridge deck and to construct and maintain the following bridges:

- Structure #16, Highway Station 296+50. A three span bridge having an overall span of 300 feet and an underclearance of 50 feet over Laurel Creek.
- Structures #9 and #10, Highway Station 230+50. A dual four span bridge having an overall span of 397 feet and an underclearance of about 10 feet over Lingle Creek.
- Structures #22 and #23, Highway Station 238+25. A dual three span bridge having an overall span of 214 feet and an underclearance of 15 feet over an unnamed tributary to Laurel Creek in the Laurel Creek floodplain.
- Structures #11 and #12, Highway Station 243+50. A dual three span bridge having an overall span of 268.5 feet and an underclearance of about 14.5 feet over Laurel Creek.

and to place fill in the floodplains of Lingle and Laurel Creeks and 6.4 acres of their wetlands and 2,500 feet of associated stream channels as part of Contract B02 of the construction of 5.5 miles of SR 0322 (Burnham, PA Quadrangle N: 17.2 inches; W: 13.8 inches) in Armagh Township, **Mifflin County**. The permittee is required to provide 6.4 acres of replacement wetlands and 2,500 feet of stream channel mitigation. This permit also includes 401 Water Quality Certification.

**E50-187.** Encroachment. **Albert Kuhn**, P. O. Box 121, Carlisle, PA 17013. To construct a 250-foot stream relocation, to remove an existing structure and to construct and maintain a twin 24-inch culvert and to construct and maintain an existing 48-inch culvert in the channel of a tributary to Shermans Creek at a point approximately 2,500 feet upstream of Route 17 (Blain, PA Quadrangle

N: 20.8 inches; W: 0.3 inch) in Jackson Township, **Perry County**. This permit also includes 401 Water Quality Certification.

*Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E19-170.** Encroachment. **Sunset Holding Corp.**, Box 333, Bloomsburg, PA 17815. To relocate about 200 feet of an unnamed tributary to Fishing Creek for a new 83 lot residential development located just west of Millville Road about 0.4 mile south of Route 80 (Bloomsburg, PA Quadrangle N: 2.0 inches; W: 13.0 inches) in Bloomsburg Borough, **Columbia County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E59-349.** Encroachment. **Pa. Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a 5' x 15' precast reinforced concrete box culvert skewed 40 degrees with a clear normal span of 12' and a minimum underclearance of 5' over Heise Run on T-818 approximately 1.2 miles north of SR 660/T-818 intersection (Keeneyville, PA Quadrangle N: 0.2 inch; W: 13.5 inches) in Delmar Township, **Tioga County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

*Southwest Regional Office, Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1172.** Encroachment. To remove, realign and maintain 40 feet of 8.5 feet of diameter corrugated metal pipe (CMP) to construct and maintain two corrugated plastic pipe outfalls, and to construct and maintain a 8.5 foot diameter by 562 foot long corrugated metal pipe addition to the existing stream enclosure in a tributary to Saw Mill Run known as Weyman Run (WWF), for the purpose of developing a 4-acre site for a skilled Nursing Facility Complex. The project is located along the east side of Weyman Road approximately one mile south of the intersection of Weyman Road and Provost Road (Bridgeville, PA Quadrangle N: 20.2 inches; W: 0.0 inch) in Whitehall Borough, **Allegheny County**.

**E02-1204.** Encroachment. To rehabilitate and maintain the existing bridge (Millers Run Bridge) having a span of 63.5 feet with an underclearance of 8.0 feet across Miller Run (WWF) consisting of replacing the superstructure and placing scour protection along the existing abutments. The bridge is located on S. R. 3026, Section A03, Segment 0030 Offset 0000 (Canonsburg, PA Quadrangle N: 17.8 inches; W: 4.2 inches) in South Fayette Township, **Allegheny County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E02-1179.** Encroachment. To excavate and eliminate a de minimis area of wetlands less than or equal to 0.05 acre adjacent to an unnamed tributary to Dawson Run for the purpose of expanding an existing pond. The project is located near Hole 12 on the Deer Run Golf Course, approximately 1,800 feet south from the intersection of T-630 and SR 1028 (Valencia, PA Quadrangle N: 5.25 inches; W: 1.0 inch) in West Deer Township, **Allegheny County**.

**E04-245.** Encroachment. To expand, operate and maintain the existing barge mooring facility in the channel of and along the right bank of the Ohio River (WWF) for the purpose of improving the existing barge mooring facility. The project is located approximately 9,000 feet down-

stream from the Montgomery Dam (Midland, PA Quadrangle N: 3.1 inches; W: 5.7 inches) in Industry Borough, **Beaver County**.

**E32-386.** Encroachment. To place and maintain fill in a 0.11 acre of palustrine emergent wetlands for the purpose of upgrading 1.9 miles of existing highway. Mitigation of wetland loss will include 105.0 feet of bank stabilization of an unnamed tributary to Pickering Run and the reclamation of 0.13 acre of wetlands by removal of abandoned roadway bed. This permit also authorizes the construction and maintenance of a 36-inch RCP Culvert in an unnamed tributary to Pickering Run on SR 0119, Section 1804+00. The project is located along SR 0119 from the Village of Barton and extending 1.9 miles north (Marion Center, PA Quadrangle N: 10.5 inches; W: 7.5 inches) in East Mahoning Township, **Indiana County**.

*Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E20-440.** Encroachment. **99th RSC U. S. Army Reserve**, 5 Lobaugh Street, Oakdale, PA 15701-5001. To fill 2.53 acres of wetlands for the construction of a military Equipment Concentration Site/Area Maintenance Support Activity (ECS/AMSA) along the north side of Harry Wood Boulevard (T-600) approximately 1 mile south of S. R. 285 in the Village of Geneva (Geneva, PA Quadrangle N: 9.8 inches; W: 15.0 inches) located in Greenwood Township, **Crawford County**. This permit includes the creation of 3.8 acres of replacement wetland on site.

**E24-202.** Encroachment. **Spring Creek Township Supervisors**, R. R. 2 Box 179, Ridgway, PA 15853. To rehabilitate and maintain the existing Elk County Bridge No. ST-66 having a clear, normal span of approximately 122 feet and an underclearance of approximately 13.6 feet across Spring Creek on T-301 at the confluence with the Clarion River near the Village of Hallton (Hallton, PA Quadrangle N: 4.5 inches; W: 8.0 inches) located in Spring Creek Township, **Elk County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E25-557.** Encroachment. **Donald Hobbs**, P. O. Box 703, 13080 Cambridge Road, Edinboro, PA 16412. To maintain an approximately 100-foot long by 9-foot concrete block retaining wall and rock riprap bank protection along the left bank of Conneauttee Creek behind the Hobbs Hardware store along S. R. 99 south of Edinboro installed under DEP Emergency Permit No. EP2597605 (Cambridge Springs, PA Quadrangle N: 21.0 inches; W: 17.0 inches) located in Washington Township, **Erie County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

## DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D46-319.** Dam. **North Penn School District** (401 East Hancock Street, Lansdale, PA 19446). To construct, operate and maintain a stormwater detention dam located across a tributary to Towamencin Creek (Lansdale, PA Quadrangle N: 19.3 inches; W: 9.1 inches) in Towamencin Township, **Montgomery County**. The proposed facility is part of the stormwater management plan

for the expansion of the North Penn Senior High School and the Calvary Baptist Church.

[Pa.B. Doc. No. 97-1857. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.

### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

### *Final Technical Guidance—Substantive Revision*

DEP ID: 362-5512-002 Title: Sewage Facilities Planning Grants Description: Establishes a new sewage facilities planning assistance grant application processing workflow. Effective Date: October 15, 1997 Page Length: 8 pages Location: Vol 33, Tab 55 Contact: Milt Lauch at (717) 787-8184

### *Final Technical Guidance—Minor Revision*

DEP ID: 381-5511-013 Title: A State Environmental Review Process for Pennsylvania Description: Provides a review process to ensure all projects funded from the Clean Water State Revolving Fund completed an environmental review. Effective Date: October 29, 1997 Page Length: 37 pages Location: Vol 27, Tab 6G Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 381-5511-015 Title: Categorical Exclusion Provisions—PENNVEST Funded Projects Description: Guidance for evaluating PENNVEST projects for possible categorical exclusion from detailed Federal environmental review requirements. Effective Date: September 29, 1997 Page Length: 4 pages Location: Vol 27, Tab 6I Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-0810-101 Title: Summary of Key Requirements—Community Water Systems Description: Directs and supports implementation of community water systems activities under the safe drinking water manage-

ment programs. Effective Date: March 27, 1997 Page Length: 33 pages Location: Vol 15, Tab 12 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-2126-103 Title: Permitting of Vended Water System Guidance Description: Directs and supports implementation of permitting activities for vended water systems. Effective Date: October 1, 1997 Page Length: 24 pages Location: Vol 17, Tab 06 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-2126-203 Title: Permitting of Retail Water Facilities Systems Guidance Description: Establishes a rational and reasonable basis for staff decisions which will promote quality, timely and consistent service. Effective Date: October 1, 1997 Page Length: 15 pages Location: Vol 17, Tab 07 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-2127-103 Title: Permitting of Bulk Water Hauling Systems Guidance Description: Establishes a rational and reasonable basis for staff decisions which will promote quality, timely and consistent service. Effective Date: October 1, 1997 Page Length: 11 pages Location: Vol 17, Tab 05 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-3000-102 Title: Total Coliform Rule Guidance Description: Directs and supports implementation of the Total Coliform Rule under the drinking water management programs. Effective Date: November 1, 1997 Page Length: 13 pages Location: Vol 16, Tab 03 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 563-2000-102 Title: Coal Exploration Description: This document outlines the requirements and procedures for the Department's review of notices of intent to explore and requests for permit waivers for coal exploration. Effective Date: November 7, 1997 Page Length: 4 pages Location: Vol 12, Tab 42 Contact: Dottie Shellehamer at (717) 787-5103

DEP ID: 563-2112-611 Title: Permitting Preexisting Pollution Discharges under Subchapter F of 25 Pa. Code Chapter 87, Subchapter G of 25 Pa. Code Chapter 88 Description: Establishes methods and procedures for performing BPJ analysis to determine treatment requirements for preexisting pollutional discharges. Effective Date: November 7, 1997 Page Length: 13 pages Location: Vol 12 Tab 78B Contact: Evan Shuster at (717) 787-7846

#### *Notice of Intent to Rescind Technical Guidance*

DEP ID: 381-5511-006 Title: Capital Financing Plan—PENNVEST Funded Projects Description: PENNVEST eliminated Federal Title II requirements for lands under their program. As a result, several PENNVEST procedure documents are no longer required. Anticipated Effective Date: December 1, 1997 Contact: Robert Gibson at (717) 772-4461

DEP ID: 383-3000-202 Title: Understanding the Total Coliform Compliance Reports Description: The information contained in this guidance is either outdated or is repeated in other guidance documents. Anticipated Effective Date: December 1, 1997 Contact: Jeffrey A. Gordon at (717) 787-0122

DEP ID: 383-3000-207 Title: Lead and Copper Rule Questions and Answers Description: This questions and answers paper served as interim guidance and is either

outdated or it has been incorporated in other guidance documents. Anticipated Effective Date: December 1, 1997 Contact: Jay A. Africa at (717) 787-0122

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-1858. Filed for public inspection November 21, 1997, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

#### Centre County Blair County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to construct 28.8 kilometers (17.9 miles) of four lane limited access highway on new alignment from SR 322 (Mount Nittany Expressway) near State College in Centre County to the eastern end of SR 220 (Tyrone Expressway) near the Village of Bald Eagle in Blair County. This project will require the acquisition of right of way from the State Game Lands Number 278 and the Sellers Property which has been determined to be eligible for the National Register of Historical Places. The effect of this project on the State Game Lands Number 278 and the National Register eligible Sellers Property will be mitigated by the mitigation measures outlined in the Record of Decision and the Final Environmental Impact Statement (FEIS)/Section 4(f) Evaluation Report that were prepared for this project.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the construction of this section of roadway.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1859. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Finding

#### Wayne County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing bridge carrying SR 2006 over the Lackawaxen River in the Village of White Mills in Texas Township, Wayne County. The project consists of the construction of a new bridge immediately upstream of the existing bridge and the realignment of the intersection of SR 2006 and SR 6 on the eastern approach to the bridge. This project

will require the acquisition of the White Mills Fire House and the Stevens Home which are contributing elements to the White Mills Historic District. The White Mills Historic District has been determined eligible for listing on the National Register of Historic Places. The effect of this project on the White Mills Historic District will be mitigated by the following measure to minimize harm to the resource.

1. A Historic Architecture Building Survey (HABS) recordation package will be prepared to the Pennsylvania State Recordation Standards as a permanent record of the White Mills Fire House.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1860. Filed for public inspection November 21, 1997, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Chartiers Nature Conservancy v. DEP and C.I.T. Baseball and Softball Association, Inc., Permittee; EHB Doc. No. 97-235-R**

Chartiers Nature Conservancy has appealed the issuance by the Department of Environmental Protection of an NPDES permit to C.I.T. Baseball and Softball Association, Inc. for a facility in Crafton Borough, Allegheny County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 97-1861. Filed for public inspection November 21, 1997, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 1 p.m., Thursday, November 6, 1997, and took the following actions:

#### *Regulations Approved:*

State Board of Optometry #16A-526: Volunteer License (amends 49 Pa. Code Chapter 23)

State Board of Osteopathic Medicine #16A-537: Volunteer License (amends 49 Pa. Code Chapter 25)

State Board of Nursing #16A-517: Volunteer License (amends 49 Pa. Code Chapter 21)

State Board of Podiatry #16A-443: Volunteer License (amends 49 Pa. Code Chapter 29)

State Board of Medicine #16A-494: Volunteer License (amends 49 Pa. Code Chapter 16)

State Board of Chiropractic #16A-439: Volunteer License (amends 49 Pa. Code Chapter 5)

State Board of Dentistry #16A-468: Volunteer License (amends 49 Pa. Code Chapter 33)

State Board of Pharmacy #16A-546: Approval of Plans: Pharmacy Alterations (amends 49 Pa. Code Chapter 27)

State Board of Funeral Directors #16A:481: Examination Requirements (amends 49 Pa. Code §§ 13.71 and 13.72)

State Registration Board for Professional Engineers, Land Surveyors and Geologists #16A-475: Examination Fees (amends 49 Pa. Code § 37.17)

Bureau of Professional and Occupational Affairs #16-15: Schedule of Civil Penalties (amends 49 Pa. Code by adding Chapter 43b)

State Board of Psychology #16A-632: Continuing Education (amends 49 Pa. Code Chapter 41)

Environmental Quality Board #7-312: Great Lakes Initiative (GLI) (amends 25 Pa. Code Chapter 93)

Environmental Quality Board #7-313: Air Quality - RBI 1 (amends 25 Pa. Code Chapters 121, 122, 123, 137 and 139)

Pennsylvania Public Utility Commission #57-166: Motor Carriers of Property (amends 52 Pa. Code Chapters 1, 3, 5, 21, 23, 29 and 31)

Pennsylvania Public Utility Commission #57-169: Water Service (amends 52 Pa. Code Chapter 65)

Pennsylvania Public Utility Commission #57-168: Wastewater Utilities (amends 52 Pa. Code Chapters 5, 37, 53, 55, 56, 65, 69 and 71)

Pennsylvania Public Utility Commission #57-179: Residential Low Income Usage Reduction Programs (amends 52 Pa. Code Chapter 58)

#### *Regulations Deemed Approved Under Section 5 (g) of the Regulatory Review Act:*

State Board of Nursing #16A-512: Endorsement of Foreign Trained Nurses (amends 49 Pa. Code §§ 21.28(c) and 21.155(d))

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Optometry; Volunteer License; Doc. No. 16A-526*

### Order

On June 6, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Optometry (Board). This rulemaking would amend 49 Pa. Code Chapter 23. The authority for this regulation is section 5 of the Volunteer Health Services Act (VHSA) (35 P.S. § 449.45) and section 3(b)(14) of the Optometric Practice and Licensure Act (63 P.S. § 244.3(b)(14)). The proposed regulation was published in the June 21, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements the VHSA, Act 141 of 1996. It sets forth the procedures and requirements for issuing volunteer licenses which allow practitioners to work as volunteers in community-based clinics. These clinics serve individuals and families who cannot pay for their care, Medical Assistance clients and people in medically underserved areas or health professional shortage areas. No fee will be charged for the volunteer license.

The House Professional Licensure Committee approved this regulation on October 22, 1997, and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to comments submitted by Representative Patricia H. Vance, the prime sponsor of the VHSA, and this Commission, the Board revised the regulation to improve its clarity and bring it into greater conformity with the provisions of VHSA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-526 from the State Board of Optometry, as submitted to the Commission on October 8, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Osteopathic Medicine; Volunteer License; Doc. No. 16A-537*

### Order

On June 6, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Osteopathic Medicine (Board). This rulemaking would amend 49 Pa. Code Chapter 25. The authority for this regulation is section 5 of the Volunteer Health Services Act (VHSA) (35 P.S. § 449.45) and section 16 of the Osteopathic Medical Practice Act (63 P.S. § 271.16). The proposed regulation was published in the June 21, 1997 *Pennsylvania Bulletin*

with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements the VHSA, Act 141 of 1996. It sets forth the procedures and requirements for issuing volunteer licenses which allow practitioners to work as volunteers in community-based clinics. These clinics serve individuals and families who cannot pay for their care, Medical Assistance clients and people in medically underserved areas or health professional shortage areas. No fee will be charged for the volunteer license.

The House Professional Licensure Committee approved this regulation on October 22, 1997 and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to comments submitted by Representative Patricia H. Vance, the prime sponsor of the VHSA, and this Commission, the Board revised the regulation to improve its clarity and bring it into greater conformity with the provisions of VHSA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-537 from the State Board of Osteopathic Medicine, as submitted to the Commission on October 8, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Nursing; Volunteer License; Doc. No. 16A-517*

### Order

On June 6, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking would amend 49 Pa. Code Chapter 21. The authority for this regulation is section 5 of the Volunteer Health Services Act (VHSA) (35 P.S. § 449.45), section 2.1(k) of the Professional Nursing Law (63 P.S. § 212.1(k)) and section 17.6 of the Practical Nurse Law (63 P.S. § 667.6). The proposed regulation was published in the June 21, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements the VHSA, Act 141 of 1996. It sets forth the procedures and requirements for issuing volunteer licenses which allow practitioners to work as volunteers in community-based clinics. These clinics serve individuals and families who cannot pay for their care, Medical Assistance clients and people in medically underserved areas or health professional shortage areas. No fee will be charged for the volunteer license.

The House Professional Licensure Committee approved this regulation on October 22, 1997, and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997. We have reviewed this regulation and find it to be in the public interest. In response to comments submitted by Representative Patricia H. Vance, the prime sponsor of the VHSA, and this Commission, the Board revised the regulation to



improve its clarity and bring it into greater conformity with the provisions of VHSA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-517 from the State Board of Nursing, as submitted to the Commission on October 8, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Podiatry; Volunteer License; Doc. No. 16A-443*

### Order

On June 6, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Podiatry (Board). This rulemaking would amend 49 Pa. Code Chapter 29. The authority for this regulation is section 5 of the Volunteer Health Services Act (VHSA) (35 P.S. § 449.45) and section 15 of the Podiatry Practice Act (63 P.S. § 42.15). The proposed regulation was published in the June 21, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements the VHSA, Act 141 of 1996. It sets forth the procedures and requirements for issuing volunteer licenses which allow practitioners to work as volunteers in community-based clinics. These clinics serve individuals and families who cannot pay for their care, Medical Assistance clients and people in medically underserved areas or health professional shortage areas. No fee will be charged for the volunteer license.

The House Professional Licensure Committee approved this regulation on October 22, 1997 and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to comments submitted by Representative Patricia H. Vance, the prime sponsor of the VHSA, and this Commission, the Board revised the regulation to improve its clarity and bring it into greater conformity with the provisions of VHSA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-443 from the State Board of Podiatry, as submitted to the Commission on October 8, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Medicine; Volunteer License; Doc. No. 16A-494*

### Order

On June 6, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking would amend 49 Pa. Code Chapter 16. The authority for this regulation is section 5 of the Volunteer Health Services Act (VHSA) (35 P.S. § 449.45) and section 8 of the Medical Practice Act (63 P.S. § 422.8). The proposed regulation was published in the June 21, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements the VHSA, Act 141 of 1996. It sets forth the procedures and requirements for issuing volunteer licenses which allow practitioners to work as volunteers in community-based clinics. These clinics serve individuals and families who cannot pay for their care, Medical Assistance clients and people in medically underserved areas or health professional shortage areas. No fee will be charged for the volunteer license.

The House Professional Licensure Committee approved this regulation on October 22, 1997, and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to comments submitted by Representative Patricia H. Vance, the prime sponsor of the VHSA and this Commission, the Board revised the regulation to improve its clarity and bring it into greater conformity with the provisions of VHSA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-494 from the State Board of Medicine, as submitted to the Commission on October 8, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Chiropractic; Volunteer License; Doc. No. 16A-439*

### Order

On June 24, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Chiropractic (Board). This rulemaking would amend 49 Pa. Code Chapter 5. The authority for this regulation is section 5 of the Volunteer Health Services Act (VHSA) (35 P.S. § 449.45) and sections 302 and 1104 of the Chiropractic Practice Act (63 P.S. §§ 625.302 and 625.1104). The proposed regulation was published in the July 5, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements the VHSA, Act 141 of 1996. It sets forth the procedures and requirements for issuing volunteer licenses which allow practitioners to work as volunteers in community-based clinics. These clinics serve individuals and families who cannot pay for their care, Medical Assistance clients and people in medically under-

served areas or health professional shortage areas. No fee will be charged for the volunteer license.

The House Professional Licensure Committee approved this regulation on October 22, 1997, and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to comments submitted by Representative Patricia H. Vance, the prime sponsor of the VHSA, and this Commission, the Board revised the regulation to improve its clarity and bring it into greater conformity with the provisions of VHSA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-439 from the State Board of Chiropractic, as submitted to the Commission on October 8, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Dentistry; Volunteer License; Doc. No. 16A-468*

#### Order

On July 8, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking would amend 49 Pa. Code Chapter 33. The authority for this regulation is section 5 of the Volunteer Health Services Act (VHSA) (35 P.S. § 449.45) and section 3(o) of the Dental Law (63 P.S. § 122(o)). The proposed regulation was published in the July 19, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements the VHSA, Act 141 of 1996. It sets forth the procedures and requirements for issuing volunteer licenses which allow practitioners to work as volunteers in community-based clinics. These clinics serve individuals and families who cannot pay for their care, Medical Assistance clients and people in medically underserved areas or health professional shortage areas. No fee will be charged for the volunteer license.

The House Professional Licensure Committee approved this regulation on October 22, 1997, and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to comments submitted by Representative Patricia H. Vance, the prime sponsor of the VHSA, and this Commission, the Board revised the regulation to improve its clarity and bring it into greater conformity with the provisions of VHSA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-468 from the State Board of Dentistry, as submitted to the Commission on October 8, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Pharmacy; Approval of Plans: Pharmacy Alterations; Doc. No. 16A-546*

#### Order

On October 8, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Pharmacy (Board). This rulemaking would amend 49 Pa. Code Chapter 27. The authority for this regulation is contained in sections 4(j) and 6(k)(9) of the Pharmacy Act (63 P.S. §§ 390-4(j) and 390-6(k)(9)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board has submitted this final-omitted regulation to amend two specific standards within existing regulations which the Board has determined are unnecessary and overly burdensome. First, the regulation reduces the number of days from 90 to 30 by which pharmacies must notify the Board prior to undergoing renovation. Second, the regulation deletes existing guidelines pertaining to minimum floor space in a retail pharmacy.

We have reviewed this regulation and find it to be in the public interest. The reduction in the number of days of advance notification from 90 to 30 is more responsive to accommodating common business practices and allows pharmacies greater flexibility in planning.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-546 from the State Board of Pharmacy, as submitted to the Commission on October 8, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Funeral Directors; Examination Requirements; Doc. No. 16A-481*

#### Order

On October 8, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Funeral Directors (Board). This rulemaking would amend 49 Pa. Code §§ 13.71 and 13.72. The authority for this regulation is sections 5 and 16 of the Funeral Director Law (63 P.S. §§ 479.5 and 479.16). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board is proposing to permit applicants for licensure as funeral directors to take the licensure examination prior to completion of their post-education internship. Applicants who have passed the examination would be licensed immediately after completing their internship.

We have reviewed this regulation and find it to be in the public interest. The proposed amendments eliminate current regulatory restrictions which the Board considers

unnecessary. Funeral director interns will benefit by being able to seek employment as funeral directors immediately after completing their internships.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-481 from the State Board of Funeral Directors, as submitted to the Commission on October 8, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Registration Board for Professional Engineers, Land Surveyors and Geologists; Examination Fees; Doc. No. 16A-475*

### Order

On October 8, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the State Registration Board for Professional Engineers, Land Surveyors and Geologists (State Board). This rulemaking would amend fee provisions in 49 Pa. Code § 37.17. The authority for this regulation is section 9(a) of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 156(a)) and sections 812(a), (b) and (e) of The Administrative Code of 1929 (71 P. S. § 279.3a). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

These amendments establish new, slightly higher fees for the engineers and land surveyors examinations, effective with the October 1998 examination. The changes are a result of the recent contract between the Commonwealth and the National Council of Examiners for Engineering and Surveying (NCEES), which will be in effect until June 30, 2002. The examinations administered by NCEES under this contract are uniform, national examinations given in April and October of each year.

Approximately 5,200 engineering applicants and 160 land surveyor applicants annually will pay slightly higher fees to take the October 1998 and subsequent examinations. Candidates for licensure deal directly with NCEES on examination matters including payment of fees.

The House Professional Licensure Committee met and voted to approve this rulemaking on October 22, 1997. The Senate Consumer Protection and Professional Licensure Committee did the same thing on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. The higher examination fees are statutorily required in order to implement the new contract with NCEES.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-475 from the State Registration Board for Professional Engineers, Land Surveyors and Geologists, as submitted to the Commission on October 8, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*Bureau of Professional and Occupational Affairs; Schedule of Civil Penalties; Doc. No. 16-15*

### Order

On May 23, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs (BPOA). This rulemaking would amend 49 Pa. Code by adding Chapter 43b. The authority for this regulation is section 5(a) of the act of June 2, 1993 (63 P. S. § 2205(a)) Act 48 of 1993 (Act 48). The proposed regulation was published in the June 7, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation implements Act 48. Act 48 gives the BPOA Commissioner the authority to publish schedules of civil penalties and regulations setting forth guidelines and procedures. The schedules establish penalties for practicing without a license or with an expired license and other offenses or violations of the respective licensing laws for the following boards: State Board of Barber Examiners, State Board of Cosmetology, State Board of Funeral Directors, State Board of Pharmacy, State Real Estate Commission and State Board of Vehicle Manufacturers, Dealers and Salespersons.

The House Professional Licensure Committee approved this final-form regulation on October 22, 1997, and the Senate Consumer Protection and Professional Licensure Committee approved it on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to the Commission's Comments, the BPOA made revisions that improved clarity of the regulation.

*Therefore, It Is Ordered That:*

1. Regulation No. 16-15 from the Bureau of Professional and Occupational Affairs, as submitted to the Commission on October 8, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Psychology; Continuing Education; Doc. No. 16A-632*

### Order

On June 3, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Psychology (Board). This rulemaking amends 49 Pa. Code Chapter 41. The authority for this regulation is contained in section 3.2(2) of the Professional Psychology Practice Act (63 P. S. § 1203.2(2)). The proposed regulation was published in the June 15, 1996 edition of the *Pennsylvania Bulletin*.

with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

The State Board of Psychology is amending its requirements for continuing education. All licensed psychologists are required to take at least 30 hours of continuing education every 2 years in order to maintain their license. The Board is amending several provisions of its continuing education regulation as a result of recommendations from licensed psychologists and a review of its existing regulations.

The House Professional Licensure Committee approved the final-form regulation on October 22, 1997. The Senate Consumer Affairs and Professional Licensure Committee approved the final-form regulation on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. The regulation provides flexibility for psychologists in choosing continuing education providers and provides clarity to the Board's requirements for continuing education.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-632 from the State Board of Psychology, as submitted to the Commission on October 8, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*Environmental Quality Board; Great Lakes Initiative (GLI); Doc. No. 7-312*

#### Order

On March 18, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking would amend 25 Pa. Code Chapter 93. The authority for this regulation is section 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20). The proposed regulation was published in the March 29, 1997 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on October 7, 1997.

This proposal contains the standards which this Commonwealth, as one of the Great Lakes, is required to adopt. The rulemaking expands site-specific criteria to include protection of aquatic life, human health or wildlife; adds bioaccumulative chemicals of concern to antidegradation provisions; references GLI procedures for total maximum daily load development; and references special provisions for the Great Lakes system incorporated into 25 Pa. Code Chapter 16 (Statement of policy) relating to water quality toxics management strategy.

We have reviewed this regulation and find it to be in the public interest. The Commonwealth is adopting measures to ensure protection of Great Lakes resources.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-312 from the Environmental Quality Board, as submitted to the Commission on October 7, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*Environmental Quality Board; Air Quality—RBI 1; Doc. No. 7-313*

#### Order

On April 1, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code Chapters 121, 122, 123, 137 and 139. The authority for this regulation is section 5(a)(1) of the Air Pollution Control Act (35 P.S. § 4005(a)(1)). The proposed regulation was published in the April 12, 1997 *Pennsylvania Bulletin* with a 67-day public comment period. The final-form regulation was submitted to the Commission on October 7, 1997.

This regulation is the first in a series of proposals designed to implement changes that resulted from the Regulatory Basics Initiative of the Department of Environmental Protection (DEP). It makes DEP's air pollution rules for utilities, industries with fossil-fuel boilers, and manufacturers consistent with Federal requirements, deletes obsolete and unnecessary provisions and applies DEP's monitoring requirements in a consistent manner.

We have reviewed this regulation and find it to be in the public interest. The total annual savings to the regulated community created by this rulemaking's reduction in air monitoring, reporting and recordkeeping costs and penalties are estimated by DEP to be at least \$1 million.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-313 from the Environmental Quality Board, as submitted to the Commission on October 7, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*Pennsylvania Public Utility Commission; Motor Carriers of Property; Doc. No. 57-166*

#### Order

On March 15, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code Chapters 1, 3, 5, 21, 23, 29 and 31. The authority for this regulation is section 501 of the Public Utility Code (66 Pa.C.S. § 501). The proposed regulation was published in the March 30, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 10, 1997.

This is essentially a deregulation package prompted in large part by the Federal Aviation Authorization Act of

1994 which amended the Interstate Commerce Act (49 U.S.C.A. § 41713(b)). The 1994 amendments to the Interstate Commerce Act preempted State regulation of motor carriers of property in the areas of rates, routes and service. The purpose of this regulation is to modify PUC's regulations to reflect its new regulatory role by excising economic regulation of motor carriers of property. This regulation also deletes the filing of annual reports requirement for both motor carriers of passengers and property.

The Senate Consumer Protection and Professional Licensure Committee approved this final-form regulation on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. This regulation streamlines the regulatory process for motor carriers by deleting unnecessary paperwork requirements from regulations.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-166 from the Pennsylvania Public Utility Commission, as submitted to the Commission on October 10, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*Pennsylvania Public Utility Commission; Water Service;  
Doc. No. 57-169*

### Order

On April 30, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code Chapter 65. The authority for this regulation is contained in section 501 of the Public Utility Code (66 Pa.C.S. § 501). The proposed regulation was published in the May 11, 1996 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 10, 1997.

The PUC is proposing to modify obsolete provisions relating to water service. The rulemaking is a part of the PUC's effort to delete obsolete and excessive regulations.

The PUC is proposing to make two specific amendments. The first will change the requirements for the testing of water meters. The proposed regulation will no longer require a removed meter to be tested for accuracy if it will be permanently removed and replaced by a new meter utilizing a remote reading device.

The second change will require water utilities to keep their books of account in conformity with Uniform System of Accounts for Class A, B or C water utilities as prescribed by the National Association of Regulatory Utility Commissioners.

The Senate Consumer Affairs and Professional Licensure Committee approved the final regulation on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. The regulation will reduce the bur-

dens of regulated water utilities by deleting unnecessary meter test requirements and providing for a more accurate accounting method.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-169 from the Pennsylvania Public Utility Commission, as submitted to the Commission on October 10, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*Pennsylvania Public Utility Commission; Wastewater Utilities; Doc. No. 57-168*

### Order

On April 30, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code Chapters 5, 37, 53, 55, 56, 65, 69 and 71. The authority for this regulation is 66 Pa.C.S. § 501. The proposed regulation was published in the May 18, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 10, 1997.

The proposal updates existing regulations with editorial changes. The terms "sewage" and "sewerage" are replaced with the term "wastewater." References to "DER" are changed to "DEP" to reflect the name change of the Department of Environmental Protection.

We have reviewed this regulation and find it to be in the public interest. The revisions are the result of a general review by the PUC of its regulations in order to identify, modify and rescind obsolete and excessive rules and regulations. Updated nomenclature will make the terminology in the PUC's regulations consistent with current industry terminology.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-168 from the Pennsylvania Public Utility Commission, as submitted to the Commission on October 10, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*Pennsylvania Public Utility Commission; Residential Low Income Usage Reduction Programs; Doc. No. 57-179*

### Order

On February 20, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code Chapter 58. The authority for this regulation is sections 501, 1501 and 1505(b) of the Public Utility Code (66

Pa.C.S. §§ 501, 1501 and 1505(b)). The proposed regulation was published in the March 8, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 10, 1997.

The primary purpose of this regulation is to continue the Residential Low Income Usage Reduction Program (LIURP). LIURP was initiated on January 28, 1988 and covered utilities were required to continue it for their low-income customers for 10 years under 52 Pa. Code § 58.3. This regulation would delete the 10-year limitation from § 58.3 and make minor modifications to Chapter 58.

The Senate Consumer Protection and Professional Licensure Committee approved this regulation on October 28, 1997.

We have reviewed this regulation and find it to be in the public interest. In response to comments, the PUC made minor modifications that clarified key provisions and improved the regulation. In addition, we also recommended that the PUC provide the public with an opportunity to review program data and PUC findings as to whether LIURP is cost-effective. As a result, the PUC will soon release an evaluation report for the 1995 program year and committed to releasing a LIURP evaluation report every 2 years.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-179 from the Pennsylvania Public Utility Commission, as submitted to the Commission on October 10, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public Meeting held  
November 6, 1997

*State Board of Nursing; Endorsement of Foreign Trained Nurses; Doc. No. 16A-512*

### Order

On September 13, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code §§ 21.28(c) and 21.155(d). The authority for this regulation is sections 2.1(k), 4.1 and 7 of the Professional Nursing Law (63 P.S. §§ 212.1(k), 214.1 and 217) and section 17.6 of the Practical Nurses Law (63 P.S. § 667.6). The proposed regulation was published in the September 28, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 1997.

This regulation revises the Board's procedures for allowing foreign trained nurses to practice in this Commonwealth. If foreign trained nurses have already completed the National Council Licensure Examination they may practice in this Commonwealth without examination if they have educational backgrounds that are equivalent to the standards required by this Commonwealth. Equivalency will be based on evaluations by the Commission on Graduates of Foreign Nursing Schools.

The final-form regulation contains no changes from the proposed regulation. We did not file any comments on the

proposed regulation. Furthermore, it was approved on October 22, 1997, by the House Professional Licensure Committee and on October 28, 1997, by the Senate Consumer Protection and Professional Licensure Committee.

*Therefore:*

The Commission will notify the Legislative Reference Bureau that Regulation No. 16A-512 from the State Board of Nursing, as submitted to the Commission on October 8, 1997, was deemed approved under section 5(g) of the Regulatory Review Act on October 28, 1997.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-1862. Filed for public inspection November 21, 1997, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Acquisition of Coventry Health Plans of Western Pennsylvania, Inc.

Gateway Health Plan, L.P., has filed an application to acquire the issued and outstanding stock of Coventry Health Plans of Western Pennsylvania, Inc. from HealthAmerica Pennsylvania, Inc. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P.S. § 991.1402 et. seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-1879.

M. DIANE KOKEN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1863. Filed for public inspection November 21, 1997, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Lackawanna County, Wine & Spirits Shoppe #3504, 48 S. Main Street, Carbondale, PA 18407-2314.

*Lease Expiration Date:* October 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000

to 3,500 net useable square feet of new or existing retail commercial space within Carbondale City of Carbondale Township.

*Proposals due:* December 19, 1997 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 97-1864. Filed for public inspection November 21, 1997, 9:00 a.m.]

## MILK MARKETING BOARD

### Emergency Hearing for All Milk Marketing Areas to Consider Modifications in the Methodology for Establishing Class I Prices Paid to Producers

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302) the Milk Marketing Board (Board) will on its own motion conduct an emergency public hearing for all milk marketing areas on December 2, 1997, commencing at 2 p.m. in Room 110 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the emergency hearing is to receive evidence concerning whether, in the wake of the recent Federal court order enjoining the Secretary of the United States Department of Agriculture from enforcing Class I differentials, the Board should adopt for its own interim use the differentials in the Federal marketing orders. The hearing is being called on an emergency basis to provide for a prompt, short-term response to virtual deregulation of the Federal Class I price.

The staff of the Board is deemed to be a party to this hearing and to have complied with the following filing requirements. Other persons who wish to present evidence may be included on the Board's list of parties by (1) having their attorney file with the Board on or before November 28, 1997, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 or (2) if unrepresented by counsel, filing with the Board on or before November 28, 1997, notification of their desire to be included as a party.

Presubmission of testimony and exhibits is not required. However, copies of written testimony and exhibits shall be provided at the hearing to members of the Board and to all other parties, with at least 20 additional copies made available in the hearing room by their sponsor.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173.

Whenever these rules require production of a document as an exhibit, copies shall be provided to members of the Board and to all other parties, with at least 20 additional copies made available in the hearing room by their sponsor. A prehearing conference for all parties will be held at 10 a.m. on December 2, 1997, in Room 110 of the Agriculture Building. The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

If this information is required in an alternate format, call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

O. FRANK DE GARCIA,  
*Executive Secretary*

[Pa.B. Doc. No. 97-1865. Filed for public inspection November 21, 1997, 9:00 a.m.]

## PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by the Pennsylvania Municipal Retirement Code (53 Pa.C.S. §§ 881.101—881.501) (relating to Pennsylvania Municipal Retirement Board), in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

December 15, 1997

Lori C. Dietrich 1:30 p.m.  
 (Disability)

Persons with a disability who wish to attend the above-listed hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Helen Willis at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251 unless specific exemption is granted.

JAMES B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 97-1866. Filed for public inspection November 21, 1997, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Gas Service Without Hearing

**A-121850 F2016. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval to abandon service to two gas service customers located in Bradford Township, McKean County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* National Fuel Gas Distribution Corporation  
*By and Through Counsel:* Peter J. Scanlon, Esquire, 800 State Street, Erie, PA 16512.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1867. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Gas Service Without Hearing

**A-121850 F2017. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval to abandon service to three gas service customers located in Oil Creek Township, Venango County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* National Fuel Gas Distribution Corporation  
*By and Through Counsel:* Peter J. Scanlon, Esquire, 800 State Street, Erie, PA 16512.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1868. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Interconnect Agreement

**A-310597. Bell Atlantic-Pennsylvania, Inc. and Sygnet Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Sygnet Communications, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Sygnet Communications, Inc., by its counsel, filed on September 29, 1997, at the Pennsylvania Public Utility Commission (Commis-

sion), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Sygnet Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1869. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Sewer Service Without Hearing

**A-230280. MESCO, Inc.** Application of MESCO, Inc., for approval of the right to begin to offer, render, furnish or supply sewer service to the public in an additional portion of Monaghan and Carroll Townships, York County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Mesco, Inc. *By and Through Counsel:* Rob A. Krug, Esquire, 53 East Canal Street, Dover, PA 17315.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1870. Filed for public inspection November 21, 1997, 9:00 a.m.]

## Telecommunications

**A-310424 F0002. ALLTEL Pennsylvania, Inc. and 360 Communications.** Joint Application for Approval of a Landline/CMRS Transport and Termination Agreement between ALLTEL Pennsylvania, Inc. and 360 Communications under section 252(e) of the Telecommunications Act of 1996.

ALLTELL Pennsylvania, Inc. and 360 Communications Company, by its counsel, filed on September 30, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies



of the ALLTEL Pennsylvania, Inc. and 360 Communications Company Joint Application are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1871. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Telecommunications

**A-310598. Bell Atlantic-Pennsylvania, Inc. and USA eXchange, LLC d/b/a Omniplex Communications Group.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and USA eXchange, LLC d/b/a Omniplex Communications Group for approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and USA eXchange, LLC d/b/a Omniplex Communications Group, by its counsel, filed on October 9, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and USA eXchange, LLC d/b/a Omniplex Communications Group Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1872. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Telecommunications

**A-310595. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and U.S. Telco, Inc.** Bell Atlantic-Pennsylvania, Inc. and U.S. Telco, Inc., by its counsel, filed on October 9, 1997, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and U.S. Telco, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The

contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1873. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Telecommunications

**A-310581 F0002. Bell Atlantic-Pennsylvania, Inc. and VIC-RMTS-DC, L.L.C. d/b/a OnePoint Communications.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and VIC-RMTS-DC, L.L.C. d/b/a OnePoint Communications for Approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and VIC-RMTS-DC, L.L.C. d/b/a OnePoint Communications, by its counsel, filed on October 9, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and VIC-RMTS-DC, L.L.C. d/b/a OnePoint Communications Joint Petition are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1874. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Telecommunications

**A-310482. GTE North Incorporated and Cellular Rentals, Inc.** Joint Application for approval of a Resale Agreement between GTE North Incorporated and Cellular Rentals, Inc. under section 252(e) of the Telecommunications Act of 1996.

GTE North Incorporated and Cellular Rentals, Inc., by its counsel, filed on October 17, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and Cellular Rentals, Inc. Joint Application are on file with the Commission and

are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1875. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Telecommunications

**A-310565. Joint Application for Approval of a Landline/CMRS Transport & Termination Agreement Between GTE North Incorporated and D & E Wireless, Inc.** GTE North Incorporated and D & E Wireless, Inc., by its counsel, filed on October 27, 1997, at the Pennsylvania Public Utility Commission, a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and D & E Wireless, Inc. Joint Application are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1876. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Telecommunications

**A-310601. GTE North Incorporated and GTE Mobilnet of Cleveland, Incorporated and GTE Mobilnet of Ohio Limited Partnership.** Joint Application for Approval of a Landline/CMRS Transport and Termination Agreement between GTE North Incorporated and GTE Mobilnet of Cleveland, Incorporated and GTE Mobilnet of Ohio Limited Partnership under section 252(e) of the Telecommunications Act of 1996.

GTE North Incorporated and GTE Mobilnet of Cleveland, Incorporated and GTE Mobilnet of Ohio Limited Partnership, by its counsel, filed on October 20, 1997, at the Pennsylvania Public Utility Commission (Commission), a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and GTE Mobilnet of Cleveland, Incorporated and GTE Mobilnet of Ohio Limited Partnership Joint Application are on file with the

Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1877. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Transfer by Sale Without Hearing

**A-110150 F0016. Duquesne Light Company and DQE Communications, Inc.** Application of Duquesne Light Company and DQE Communications, Inc., for Approval of the Transfer by Sale of a Fiber Optic Network from Duquesne Light Company to DQE Communications, Inc., and the Lease of Fiber Services by Duquesne Light Company from DQE Communications, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Duquesne Light Company

*Through and By Counsel:* Richard S. Herskovitz, Esquire, 411 Seventh Avenue, 16-001, Pittsburgh, PA 15219; and

*Applicant:* DQE Communications, Inc.

*Through and By Counsel:* Linda S. Ackerman, Esquire, 411 Seventh Avenue, 15-DQE-3, Pittsburgh, PA 15219.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1878. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Water Service Without Hearing

**A-210078. Galen Hall Corporation.** Application of Galen Hall Corporation for approval to begin to offer, render, furnish or supply water service to the public in a portion of South Heidelberg Township, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Galen Hall Corporation *By and Through Counsel:* Heidi B. Masano, Esquire, Golden, Masano, Lash and Nice, Suite 201, 1100 Berkshire Boulevard, Wyomissing, PA 19610; and Jeffrey A. Franklin, Esquire, Ryan, Russell, Ogden and Seltzer, LLP, 1100 Berkshire Boulevard, Suite 301, Reading, PA 19610-1221.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1879. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Water Service Without Hearing

**A-212285 F0045. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to begin to offer, render, furnish or supply water service to the public in additional portions of West Hanover Township, Dauphin County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company *By and Through Counsel:* Susan D. Simms, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1880. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Water Service Without Hearing

**A-212370 F0041 and A-212370 F0042. Philadelphia Suburban Water Company.** Application of Philadelphia Suburban Water Company for approval of: 1) the acquisition, by purchase, of the water system assets of the West Chester Area Municipal Authority; and 2) the right of Philadelphia Suburban Water Company to begin to offer, render, furnish or supply water service to the public in West Chester Borough and portions of East Bradford, East Goshen, West Goshen and Westtown Townships, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1881. Filed for public inspection November 21, 1997, 9:00 a.m.]

### Water Service Without Hearing

**A-212370 F0039; A212370 F0040; and A-210950 F2000. Philadelphia Suburban Water Company and Flying Hills Water Company.** Application of Philadelphia Suburban Water Company and Flying Hills Water Company for approval of: 1) the Transfer, by merger, of the water system assets of Flying Hills Water Company to Philadelphia Suburban Water Company; 2) the right of Philadelphia Suburban Water Company to begin to fur-

nish water service to the public in the service area of Flying Hills Water Company; and 3) the abandonment by Flying Hills Water Company of water service to the public in its service territory located in a portion of Cumru Township, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 8, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company *Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489; and *Applicant:* Flying Hills Water Company *Through and By Counsel:* Sidney D. Kline, Jr., Esquire, Stevens and Lee, 607 Washington Street, P. O. Box 679, Reading, PA 19603-0679.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1882. Filed for public inspection November 21, 1997, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P.O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

Contract No. 93-007-RP96-C—General Construction—Including expansion, rehabilitation and construction of roadway and Turnpike Ramps, roadway drainage, toll plaza, utility tunnel, new utility building, demolition of existing building, new canopy, sanitary sewer and water service lines, a complete roadway lighting system, related site work, maintenance and protection of traffic, pedestrian tunnel, reconstruction of deck joints and concrete median barrier on Bridge NB-350, reconstruction of Bridge NB-353 concrete bridge deck

Bid opening date—December 23, 1997, 1 p.m.

Contract No. 93-007-RP97-C—Plumbing Work

Bid Opening Date—December 23, 1997, 1:30 p.m.

Contract No. 93-007-RP98-C—Electrical Work

Bid Opening Date—December 23, 1997, 2 p.m.

Contract No. 93-007-RP99-C—Heating, Ventilation and Air Conditioning Work

Bid Opening Date—December 23, 1997, 2:30 p.m.

Bid Surety—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies of either a CD-ROM or paper copy of all the specifications, contract bid documents and plans may be purchased upon payment by check or P.O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA, 17106-7676. No refund for plans, specifications and contract documents will be made for any reason. Selection of the desired materials should be by

the following designations with proper respective remittance (Do not add sales tax): (a) CD-ROM—\$20; (b) Paper copy of the specifications, contract bid documents and plans—\$125.

A mandatory prebid meeting of the project under the direction of the Engineer is scheduled for December 3, 1997, at 10 a.m., in the Commission's Eastern Regional Office, 251 Flint Hill Road, King of Prussia, (610)279-1645.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-1883. Filed for public inspection November 21, 1997, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦  
(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAHER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**1477227** Clothing and individual equipment—264 knit polo shirts 50% cotton, 50% polyester mech knit fabric; 166 each hooded insulated sweatshirt, color navy; 39 pr shorts, 65% polyester, 35% cotton light weight poplin fabric with Scotchguard finish, color navy; 159 each jacket, Eisenhower style to be Dickes No. JT15NV (no substitutes) color navy blue.

**Department:** Fish and Boat Commission  
**Location:** Pleasant Gap, Centre County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1426117** Construction and building materials—270 rolls razor ribbon—stainless steel, double coil type; 12,000 6 1/2" stainless steel ties, 18 gauge w/loops at eas end.

**Department:** Corrections  
**Location:** Hunlock Creek, Luzerne County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1314387** Construction, mining, excavating and highway maintenance equipment—1 each latest model vibratory articulated 5 ton roller with trailer.

**Department:** Conservation and Natural Resources  
**Location:** Wellsboro, Tioga County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1289157** Laboratory instruments and equipment—stainless steel monkey cages.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1388187** Materials handling equipment—2 each warehouse truck, self-propelled, industrial stock chaster type w/charger.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**8234530** Materials handling equipment—2 each fork truck, 2,600 lb. electric 200" (1280/Spec. Type IX).

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1429207** Paper and printing—300 rolls striping; 1,050 door emblems; 500 each accreditation decals; 225 each overlay "State Trooper"; 25 each overlay "State Police"; 4,700 numbers, small size, color black; 1,975 letters, small size color black; 2,250 numbers, large size color black; 175 large size letters color black.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1416117** Plumbing, heating and sanitation equipment—500 each American Standard prison lavatory valve body sub assembly PN No. 004466-0070A; 500 each American Standard yokes PN No. 60062-08; 500 each American Standard lock nuts PN No. 225-17.

**Department:** Corrections  
**Location:** State Correctional Institution, Huntingdon, Huntingdon County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1473117** Steam plant and drying equipment—furnish only boiler parts to fit Riley Stoker, single retort underfeed boiler for anthracite pea coal.

**Department:** Corrections  
**Location:** Muncy, Lycoming County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

**1457117** Textiles—100,000 yards twill as per PCID No. 1018 Eff. 1/31/97, Type 1 width 60"; color hot chocolate (Pantone Color 19325-79).

**Department:** Correctional Industries  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: FAX request to (717) 783-6241 or call (717) 787-2199

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# SERVICES

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## Agricultural Services—02

**DSO-97-94** Vendor to provide to the State Correctional Institution Graterford Farrier Services on an as needed basis to the State Correctional Institution Graterford. Service to include trimming hooves, new shoes, corrective shoeing, snow ball pads, flat pads, wedge pads, hoof wall repair, bar shoe. Services to be provided between the hours of 8 a.m. and 4 p.m. Monday through Friday. Services will cover six work detail horses.

**Department:** Corrections

**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426

**Duration:** 3 years

**Contact:** Kelly Richardson, (610) 489-4151

**DSO-97-97** Vendor to provide to the State Correctional Institution Graterford, veterinary services for six work detail horses. This service will be provided on an as needed basis. Service to include farm calls, annual vaccinations and deworming examination required and coggins test. Emergency medical calls to be included, as required. Services will be performed between the hours of 8 a.m. and 4 p.m. Monday through Friday.

**Department:** Corrections

**Location:** State Correctional Institution Graterford, Box 246, off Route 29, Graterford, PA 19426

**Duration:** 3 years

**Contact:** Kelly Richardson, (610) 489-4151

**PGC-2560** The equivalent of Game Bird Breeder (86 tons) pellet size 5/32. Bulk delivery: pneumatic blower unloading. Delivery in 8-24 ton lots, as requested by the Game Farm Superintendent. Feed quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. All feed is to be in strict accordance with PA Game Commission Formula (Note: revised as of 1/94). The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. (Bids will be opened at 11 a.m., December 8, 1997, at the Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797).

**Department:** Game Commission

**Location:** Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403

**Duration:** February 1, 1998 to May 15, 1998

**Contact:** Larry Mears, (814) 398-2271

**PGC-2561** The equivalent of Game Bird Pheasant Breeder (70 tons) pellet size 5/32. Bulk delivery: pneumatic blower unloading. Delivery in 8-24 ton lots, as requested by the Game Farm Superintendent. Feed quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. All feed is to be in strict accordance with PA Game Commission Formula (Note: revised as of 1/94). The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. (Bids will be opened at 11 a.m., December 9, 1997, at the Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797).

**Department:** Game Commission

**Location:** Loyalsock Game Farm, R. D. 2, Box 803, Montoursville, PA

**Duration:** January 6, 1998 to May 31, 1998

**Contact:** C. Clair Souter, (717) 435-2043

**PGC-2562** The equivalent of Game Bird Pheasant Breeder (40 tons) pellet size 5/32. Bulk delivery: pneumatic blower unloading. Delivery in 8-24 ton lots, as requested by the Game Farm Superintendent. Feed quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. All feed is to be in strict accordance with PA Game Commission Formula (Note: revised as of 1/94). The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. (Bids will be opened at 11 a.m., December 11, 1997, at the Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797).

**Department:** Game Commission

**Location:** Southwest Game Farm, R. D. 1, Box 51-A, New Bethlehem, PA 16242

**Duration:** January 6, 1998 to May 31, 1998

**Contact:** Robert W. Hodge, (814) 275-2509

## Audio/Video—4

**RFP No. 97-15-2580-011** The Department of General Services will be issuing an RFP for provisions of public telephone service at facilities under the jurisdiction of the Governor and potentially other Commonwealth agencies; inmate telephone service at all State correctional facilities; an inmate telephone control system; and monitoring and recording systems to function in concert with the control system. This RFP includes the installation and maintenance of all equipment and software, and the payment of appropriate commissions to the Commonwealth.

**Department:** General Services

**Location:** Statewide

**Duration:** Three years with potential for two 1-year renewals

**Contact:** John B. Malcolm, Jr., (717) 783-1965

**20,003** Contractor shall provide all labor, materials and equipment to install cameras, monitors, VCR mounts, wiring, excavation and any other requirements for an in-house TV monitoring system.

**Department:** Corrections

**Location:** State Correctional Institution at Dallas, Dallas, PA 18612

**Duration:** February 1, 1998 through June 30, 1998

**Contact:** Robert Faneck, Business Manager, (717) 675-1101, ext. 215

**ESU 405-98-BIILD** Request for Proposals for cost recovery for long distance telephone services and billing services at ESU. For proposal package call Ann Zaffuto, (717) 422-3595 or FAX request to (717) 422-3777. A preproposal conference will be the week of December 8, 1997, attendance is mandatory. For special accommodations call (717) 422-3595 and for reservations. MBE/WBE invited to propose.

**Department:** State System of Higher Education

**Location:** East Stroudsburg University, East Stroudsburg, PA 18301

**Duration:** 3 years

**Contact:** Ann Zaffuto, (717) 422-3595

## Computer Services—08

**PDA 400** Create and produce a 10 minute orientation/training video for the Farmers' Market Nutrition Program.

**Department:** Agriculture

**Location:** Harrisburg, PA

**Duration:** 6 months

**Contact:** Michael Mesaris, (717) 787-5674

**A-6** The Pennsylvania Higher Education Assistance Agency (PHEAA) is seeking

qualified vendors to provide a client-server based Predictive Dialer System.

Interested parties should contact the Purchasing Office (717) 720-2702 by no later than 12 noon, Wednesday, November 26, 1997.

**Department:** PA Higher Education Assistance Agency

**Location:** 1200 North Seventh Street, Harrisburg, PA 17102-1444

**Duration:** Indeterminate 1997-98

**Contact:** Donna Orris, (717) 720-2702

**Construction—09**

**092717** Blair County S. R. 1013-RS6—Bituminous resurfacing; Cambria County Group 9397-RS4—Bituminous resurfacing.

**Department:** Transportation  
**Location:** District 9  
**Duration:** FY 1997/1998  
**Contact:** V. C. Shah, (717) 787-5914

**AE-4073 (Rebid)** Construction of an ADA entrance ramp. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Erie County Maintenance Building, 9031 Peach Street, Waterford, Erie County, PA  
**Duration:** 120 calendar days, proposed bid December 1997  
**Contact:** Tina Chubb, (717) 787-7001

**Food—19**

**291** Bread and bread products: 10,192 loaves—white bread; 330 loaves—rye bread; 9,856 loaves—cracked wheat bread; 260 loaves—raisin bread; 1,620 dozen—hamburger rolls; 460 dozen—hot dog rolls; 550 dozen—dinner rolls; 286 dozen—sweet rolls; 700 dozen—doughnuts; 1,100 lbs.—bread cubes; 350 lbs.—bread crumbs.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** January through June 1998  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229

**4222** Bread, rolls and related products, fresh: various deliveries for the period beginning January 1, 1998 through March 31, 1998.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** January 1, 1998—March 31, 1998  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**97-MP0292** Breeding, a formulated wheat flour dough, baked and sized to appropriate granulation. Breeding to be used for beef, fish and pork. Predust for the beef, fish and pork products. Samples will be supplied at the time of bidding.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries Meat Processing Plant at State Correctional Institution Camp Hill, 2500 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 1 year  
**Contact:** Linda Malinak, (717) 975-4931

**HVAC—22**

**Project No. 22** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS, R. D. 1, Lock Haven, Blair County, PA  
**Duration:** January 1, 1998—September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 23** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, R. D. 1, Lock Haven, Clinton County, PA  
**Duration:** January 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 202** Provide emergency and routine repair work for heating system. The contractor must respond to the call within 4 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1195 Roosevelt Avenue, York, York County, PA  
**Duration:** January 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 203** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 4 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1195 Roosevelt Avenue, York, York County, PA  
**Duration:** January 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**AE-5114** Installation of emergency/standby power supply system. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance Building, District 3-1 Township Road, T-477, Buckhorn, Columbia County, PA  
**Duration:** 90 calendar days, proposed bid December 1997  
**Contact:** Tina Chubb, (717) 787-7001

**Laboratory Services—24**

**321166** Provide laboratory testing, pool water testing and urine screening services.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** July 1, 1998 through June 30, 2001  
**Contact:** Dot Williams, (215) 953-6412/6405

**Inquiry No. 30222** Removal of underground storage tank, 4,000 gallon tank. Additional information upon request.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** March 1, 1998—June 30, 1998  
**Contact:** Ginny Stinespring, Purchasing Agent I, (412) 873-3255

**Fuel Related Services—20**



**Lodging/Meeting—27**

**9500-74797-001** Lodging and meeting facilities as follows: March 29, 1998—75 single sleeping rooms; March 30, 1998—560 single and/or double sleeping rooms, 1 meeting room for 25; March 31, 1998—560 single and/or double sleeping rooms, 1 meeting room for 25 and 1 meeting room for 800; April 1, 1998—560 single and/or double sleeping rooms, 1 meeting room for 800; April 2, 1998—560 single and/or double sleeping rooms, 1 meeting room for 800; April 3, 1998—1 meeting room for 800. Location must be in downtown Pittsburgh. Considerations in awarding contract will be room rate, room availability and availability of parking in vicinity.

**Department:** MAGLOCLLEN  
**Location:** Office of Attorney General, Pittsburgh, PA  
**Duration:** March 29—April 3, 1998  
**Contact:** Jay Friske, (800) 345-1322, ext. 570

**Project No. 97-12** "Facilities and Meeting Coordination for a 6-Day Conference for PennDOT Employees." The objective of this project is for PennDOT to procure hotel facilities and staff services to coordinate a 6-day conference (which will be held sometime within the months of September, October and November, 1998) for approximately 550 employees. Requirements will include meeting room facilities, lodging rooms, banquet space, AV, and indoor/outdoor vendor display areas. Hotel must be able to accommodate 550 lodging rooms needed or be able to subcontract with hotels within close proximity. Detailed requirements and an RFP are available upon request. FAX requests to Mary Sharp at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900  
**Duration:** Indeterminate 1997-98  
**Contact:** Mary Sharp, (717) 787-2491

**Medical Services—29**

**97-7** The Department of Corrections is soliciting proposals to provide inpatient, nonhospital drug and alcohol rehabilitation services for criminal justice clients referred by the PA Department of Corrections and the PA Board of Probation and Parole. Contract facilities are needed Statewide and the Department of Corrections will entertain proposals ranging from a few beds to a complete facility.

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17011  
**Duration:** Contract is due to expire on June 30, 2003  
**Contact:** Suzanne Malhenzie, (717) 975-4973

**5172** Contract the services of a certified pathologist to perform autopsies on an on-call basis when required by the hospital.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 01, 1998—June 30, 2002  
**Contact:** Linda J. Zoskey, (412) 459-4547

**IFB 97-002** Estimated 432 hours of psychiatric/clinical services.

**Department:** Education  
**Location:** Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1700  
**Duration:** December 1, 1997 to June 30, 1998  
**Contact:** Merrill Mayenschein, (717) 963-4541

**L&I-13-97** Lease: Lease of automatic blood pressure/weight monitor and health center.

**Department:** Labor and Industry  
**Location:** Bureau of Occupational and Industrial Safety, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120  
**Duration:** Three years  
**Contact:** Donna A. Sallie, Procurement Manager, (717) 787-2560

**Personnel—31**

**5473** Temporary office personnel—to provide clerical and support services to various departments at Haverford State Hospital. Clerical personnel would provide typing support, filing, purging of materials and recordkeeping activities. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Haverford, Delaware County, PA 19041—various buildings  
**Duration:** January 1, 1998—June 30, 1998  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2627

**BOWC-5-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 75 East Maiden Street, First Floor, Washington, Washington County, PA 15301; to also include Board Office  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Mary Lou Bell, (412) 223-4595

**BOWC-6-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 919 State Street, Second Floor, Erie, Erie County, PA 16501; to also include Board  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Connie Cashdollar, (814) 871-4632

**BOWC-7-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 101 South Mercer Street, New Castle, Lawrence County, PA 16101  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Carol Tony, (412) 656-3084

**BOWC-8-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 1201 North Church Street, Building A, Suite 203, Hazleton, Luzerne County, PA 18201  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Wayne Rapkin, (717) 459-3922

**BOWC-9-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 253 South Mount Vernon Avenue, Uniontown, Fayette County, PA 15401  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Diane Dayton, (412) 439-7420

**BOWC-10-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 615 Howard Avenue, Altoona, Blair County, PA 16601  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Ann Marie Mullen, (814) 946-7355

**BOWC-11-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 79 Lancaster Avenue, Second Floor, Malvern, Chester County, PA 19355  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Maryann Buelow, (215) 436-3595

**BOWC-12-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 115 West Otterman Street, Greensburg, Westmoreland County, PA 15601; to also include Greensburg Board  
**Duration:** April 1, 1998 through June 30, 2000  
**Contact:** Sharon Hooks, (412) 832-5310

**BOWC-13-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry

**Location:** Bureau of Workers' Compensation, 101-105 North Main Street, Wilkes-Barre, Luzerne County, PA 18701

**Duration:** April 1, 1998 through June 30, 2000

**Contact:** Linda Montville, (717) 826-2577

**BOWC-14-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry

**Location:** Bureau of Workers' Compensation, 1523 State Office Building, 1400 Spring Garden Street, Philadelphia, Philadelphia County, PA 19130; To also include Bristol, Bristol Board, Upper Darby WC and Philadelphia Board (Philadelphia County)

**Duration:** April 1, 1998 through June 30, 2000

**Contact:** Wanda Whiting, (215) 560-2701

**BOWC-15-97** Temporary typing/clerical assistance, as needed, for data input, pulling records, filing, opening mail and assigning cases during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry

**Location:** Bureau of Workers' Compensation, 1171 South Cameron Street, Room 103, Harrisburg, Dauphin County, PA 17104-2501 (To also include Harrisburg Board Offices)

**Duration:** April 1, 1998 through June 30, 2000

**Contact:** Jane C. Williams, (717) 783-5421

**BOWC-16-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry

**Location:** Bureau of Workers' Compensation, Suite 202, 208 West Third Street, Rear, Williamsport, Lycoming County, PA 17701

**Duration:** April 1, 1998 through June 30, 2000

**Contact:** Karl Baldys, (717) 327-3735

**BOWC-17-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry

**Location:** Bureau of Workers' Compensation, 933 Penn Avenue, Suite 300, Pittsburgh, Allegheny County, PA 15222 (to also include Pittsburgh Board Offices)

**Duration:** April 1, 1998 through June 30, 2000

**Contact:** Barbara Laurin, (412) 565-5277

**BOWC-18-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absence of permanent staff.

**Department:** Labor and Industry

**Location:** Bureau of Workers' Compensation, 112 South Claude A. Lord Boulevard, Side Entrance, Second Floor, Pottsville, Schuylkill County, PA 17901

**Duration:** April 1, 1998 through June 30, 2000

**Contact:** Paul Baker, (717) 621-3146

**BOWC-19-97** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absence of permanent staff.

**Department:** Labor and Industry

**Location:** Bureau of Workers' Compensation, 609 Main Street, Johnstown, Cambria County, PA 15901

**Duration:** April 1, 1998 through June 30, 2000

**Contact:** Francis J. Desimone, (814) 533-2494

## Photography Services—32

Supply one 12' x 21' high resolution image of the "Washington Crossing the Delaware" Emanuel Leutze painting on gessoed canvas on a stretcher with a 5-1/2" wide wood frame, gilt and installed on site. Gessoed canvas will have no seams. Framing will be constructed of Grade A kiln dried wood of size and nature to hold the canvas without wrinkles or bulges developing; the stretcher will not twist, bow, bend or otherwise distort the plane of the image/canvas. The stretcher system will work with the natural expansion and contraction of the canvas; stretcher will be adjustable to standard art method keys or turnbuckles. The supplier will install image, providing all labor and hardware to attach the framed image to the wall. Data and time of installation to be provided by the site. The site will provide a transparency of the image. Supplier will provide the site a digital file and color proof. Lead time will be 3 weeks from date of order.

**Department:** Historical and Museum Commission

**Location:** Washington Crossing Historic Park, P. O. Box 103, 1112 River Road, Washington Crossing, PA 18977

**Duration:** Three (3) months

**Contact:** Eric F. Castle, Historic Site Administrator, (215) 493-4076

## Property Maintenance—33

**6500-058** Resurface entrance steps. Contractor to provide all labor, materials and expertise to sandblast and resurface concrete entrance stairway to front of Administration Building at State Correctional Institution at Retreat, Hunlock Creek, PA.

**Department:** Corrections

**Location:** State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621

**Duration:** January 1, 1998 through June 30, 1998

**Contact:** Barbara Swiatek, Purchasing Agent, (717) 735-8754

**IN-743** NSF Clean Room Weyandt Hall. Work included under this project consists of NSF Clean Room, Weyandt Hall consisting of removing existing walls, doors, door frames, air handling unit, exhaust fans, ductwork, piping, valves, gauges, light fixtures, panels, wiring, conduit and the like, to furnish and install new concrete, joint sealers, doors and frames, insulation, walls, paint, floor coatings, modular clean room, condensing units, ductwork, valves, diffusers, registers, dampers, backflow preventers, piping, valves, conduit, wiring, light fixtures, receptacles, panelboards, and the like. Notice to Contractors may be requested from IUP, (412) 357-2289, FAX (412) 357-6480, Internet: <http://www.iup.edu/phyfac>.

**Department:** State System of Higher Education

**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087

**Duration:** Six (6) months

**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-5851

## Real Estate Services—35

**30A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Office of Attorney General with 9,100 useable square feet of new or existing office space, with parking for 38 vehicles, as explained in Agency Specifications, within the following boundaries: North: Boas Street; South: Chestnut Street; East: 7th Street; West: Front Street. Proposals due: December 8, 1997. Solicitation No.: 92586.

**Department:** General Services

**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105

**Duration:** Indeterminate 1997-98

**Contact:** Doris Deckman or Cynthia T. Lentz, (717) 787-4394

**0500** Right of Way Unit. Contemplated sale of land no longer required for transportation purposes. The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it containing approximately 2.493 acres of unimproved land that parallels SR 309 and flairs into a wider turning lane connected to the south at Saucon Valley Road in Upper Saucon Township, Lehigh County. It has been determined that the land is no longer required for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from this notice.

**Department:** Transportation

**Location:** Engineering District 5-0, 2460 Parkwood Drive, Allentown, PA 18103

**Duration:** N/A—Sale of excess land

**Contact:** Paul J. Goida, District R/W Administrator, (610) 791-6011

**Sanitation—36**

**Project 357010** This contract will provide for the rental and cleaning of portable toilets and privy vault cleaning throughout the 67 counties in the Commonwealth of Pennsylvania. Contractors may submit bids on specific areas within the Commonwealth. Requests for information and a bid package may be submitted via FAX to (717) 783-7971. Include your company name, address, phone number and FAX number.

**Department:** Transportation  
**Location:** PennDOT/Office Services; 67 counties throughout Pennsylvania  
**Duration:** May be up to 5 years  
**Contact:** Debra Gray, (717) 783-9671

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**Security Services—37**

**SP355175** Provide security guard service consisting of one guard working 5 days per week, 9 hours per day (7:30 a.m.—5 p.m.) for the Mercer County Assistance Office. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 2236 Highland Road, Hermitage, PA 16148  
**Duration:** February 01, 1998—June 30, 2000 with two additional 1-year periods  
**Contact:** Lori Vessella, (717) 783-9281

**Miscellaneous—39**

**060203** Remove and dispose of approximately 1,200 tons of soil (work requires a pickup of approximately 600 tons once every 6 months). The soil is from the sweeping of the shoulders of (I-76, I-676, I-95, etc.) in the City of Philadelphia. The soil is stockpiled under I-95 at its intersection with Traffic Route 611.

**Department:** Transportation  
**Location:** Intersection of I-95 and Traffic Route 611 in City of Philadelphia  
**Duration:** February 01, 1998 to January 31, 1999 with two 2-year renewals  
**Contact:** Charles Stone, (610) 964-6520

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**BOOT-97-063** Contractor to design and supervise a 15-hour two and one-half day ingestion pathway tabletop exercise for a commercial nuclear power plant accident to be conducted on May 20—22, 1998. The Federally evaluated exercise should be focused on demonstrating offsite radiological preparedness of specified Pennsylvania State Agencies, risk and ingestion counties in meeting the performance objectives of the Federal Emergency Management Agency specified in their radiological emergency preparedness program exercise guidance manuals.

**Department:** PA Emergency Management Agency (PEMA)  
**Location:** Various locations within the Commonwealth  
**Duration:** May 20, 1998—May 22, 1998  
**Contact:** Christopher Nolan, (717) 651-2191

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**CHAP 98** The contractor shall provide chaplaincy services for inmates of the Protestant faith who are located at the State Correctional Institution at Smithfield. Estimated services to be approximately 16 hours per week.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** January 1, 1998 through June 30, 1999  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520

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**G-98-10** State Correctional Institution Greene will be issuing a Request for Proposal for two graduate internships to be filled by Doctoral level counseling psychology students. The internships will be administered by the college or university of the attending students.

**Department:** Corrections  
**Location:** 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** January 01, 1998 through December 31, 1998  
**Contact:** Patrick F. Nichols, (412) 852-5533

[Pa.B. Doc. No. 97-1884. Filed for public inspection November 21, 1997, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1007817-01	11/04/97	Plymouth Risk Management, Inc.	3,500.00
1155217-01	11/06/97	Novingers	13,810.00
1166227-01	11/06/97	Five Star International Trucks, Inc.	141,260.00
1243227-01	11/04/97	Zeigler Brothers, Inc.	11,130.00
1244227-01	11/04/97	Perdue Specialty Feeds	9,600.00
1246117-01	11/04/97	Ken Arnold Beauty and Barber Equipment	1,700.00
1248217-01	11/06/97	Todd Devin Food Equipment	7,758.00
1263117-01	11/04/97	Atlantic Textile Co.	52,862.20
1281217-01	11/04/97	Unionvale Coal Company	22,036.46
1299207-01	11/06/97	Cardels	3,260.80
1300157-01	11/04/97	Hershocks, Inc.	1,760.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1410307-01	11/06/97	Northeast Heating and Cooling, Inc.	6,971.78
1414187-01	11/07/97	Moore Business Forms, Inc.	11,622.50
1475227-01	11/06/97	Intelimail Division of Data Documents	20,281.00
7313870-01	11/06/97	M & M Computers	28,080.00
8970900-01	11/04/97	Cleveland Brothers Equipment Co., Inc.	81,834.00
8970910-01	11/06/97	Three Rivers Tractors and Equipment, Inc.	27,852.00
8970920-01	11/07/97	Five Star Equipment, Inc.	100,333.50
8970930-01	11/07/97	Duraco Industries, Inc.	104,000.00
8970940-01	11/04/97	Ray-Tech Infrared Corp.	94,444.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 97-1885. Filed for public inspection November 21, 1997, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Proposed Revisions to Schedule of Prices and Charges for State Recreation Areas

#### Summary

In accordance with section 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.313) the Department of Conservation and Natural Resources (Department) proposes to revise its prices for State Park activities, uses and privileges. In accordance with 17 Pa. Code § 11.164 (relating to fees) the Department establishes the price schedule as contained in Section E.

#### Contact Persons

For further information, the contact persons are Roger Fickes, Director, Bureau of State Parks, Rachel Carson State Office Building, P.O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### Effective Date

This revised price schedule will be effective following approval by the Secretary of the Department and upon publication as a notice in the *Pennsylvania Bulletin*.

#### Public Comments

Interested persons may submit written comments on the proposed price revisions to Roger Fickes, Director, Bureau of State Parks, Rachel Carson State Office Building, P.O. Box 8551, Harrisburg, PA 17105-8551. Written comments must be received by December 22, 1997.

JOHN C. OLIVER,  
Secretary

#### E. Fee Schedule

[ Fee ] Price Title	Unit	Current Resident	Proposed Resident	Current Non-resident	Proposed Non-resident
<b>Modern Cabins</b>					
<b>Cabin-A—Sleep 10/12—Week</b>	<b>Per Week</b>		<b>390.57</b>		<b>464.15</b>
<b>Friday—Saturday</b>	<b>Per Night</b>		<b>98.11</b>		<b>116.04</b>
<b>Sunday—Thursday</b>	<b>Per Night</b>		<b>58.49</b>		<b>69.81</b>
Cabin-A—Sleep 7/[ 12 ]9—Week	Per Week	[ 362.26 ]	371.69	[ 433.96 ]	445.28
[ Cabin-A—Sleep 7/12— ]Friday—Saturday	Per Night	[ 90.56 ]	93.39	[ 108.49 ]	111.32
[ Cabin-A—Sleep 7/12— ]Sunday—Thursday	Per Night	[ 54.71 ]	55.66	[ 65.09 ]	66.98
Cabin-A—Sleep 6—Week	Per Week	[ 290.56 ]	298.11	[ 350.94 ]	359.43
[ Cabin-A—Sleep 6— ]Friday—Saturday	Per Night	[ 72.64 ]	74.52	[ 87.73 ]	89.62
[ Cabin-A—Sleep 6— ]Sunday—Thursday	Per Night	[ 43.39 ]	44.34	[ 52.83 ]	53.77
<b>Rustic Cabins</b>					
Cabin-C—Sleep 2/3—Week	Per Week	[ 116.98 ]	119.81	[ 139.62 ]	143.39
[ Cabin-C—Sleep 2/3— ]Friday—Saturday	Per Night	[ 29.24 ]	30.18	[ 34.90 ]	35.84
[ Cabin-C—Sleep 2/3— ]Sunday—Thursday	Per Night	17.92	17.92	[ 20.75 ]	21.69
Cabin-C—Sleep 4/5—Week	Per Week	[ 158.49 ]	162.26	[ 188.68 ]	192.45
[ Cabin-C—Sleep 4/5— ]Friday—Saturday	Per Night	[ 39.62 ]	40.56	[ 47.17 ]	48.11
[ Cabin-C—Sleep 4/5— ]Sunday—Thursday	Per Night	[ 23.58 ]	24.52	[ 28.30 ]	29.24
Cabin-C—Sleep 6/7—Week	Per Week	[ 196.22 ]	200.94	[ 233.96 ]	239.62
[ Cabin-C—Sleep 6/7— ]Friday—Saturday	Per Night	[ 49.06 ]	50.00	[ 58.49 ]	60.37
[ Cabin-C—Sleep 6/7— ]Sunday—Thursday	Per Night	[ 29.24 ]	30.18	[ 34.90 ]	35.84
Cabin-C—Sleep 8/9—Week	Per Week	[ 233.96 ]	239.62	[ 283.02 ]	290.56
[ Cabin-C—Sleep 8/9— ]Friday—Saturday	Per Night	[ 58.49 ]	60.37	[ 70.75 ]	72.64
[ Cabin-C—Sleep 8/9— ]Sunday—Thursday	Per Night	[ 34.90 ]	35.84	[ 42.45 ]	43.39
Cabin-C—Sleep 10/11—Week	Per Week	[ 275.47 ]	282.08	[ 332.08 ]	340.56
[ Cabin-C—Sleep 10/11— ]Friday—Saturday	Per Night	[ 68.86 ]	70.75	[ 83.02 ]	84.90
[ Cabin-C—Sleep 10/11— ]Sunday—Thursday	Per Night	42.45	42.45	[ 50.00 ]	50.94
<b>Rustic Cabins S. B. Elliott</b>					
Cabin-C—Sleep 4/5—S. B. Elliott—Week	Per Week	86.79	86.79	105.66	105.66
[ Cabin-C—Sleep 4/5—S. B. Elliott—Fri.-Sat. ]Friday—Saturday	Per Night	21.69	21.69	26.41	26.41
[ Cabin-C—Sleep 4/5—S. B. Elliott—Sun.-Thur. ]Sunday—Thursday	Per Night	13.20	13.20	16.04	16.04

<b>[ Fee ] Price Title</b>	<b>Unit</b>	<b>Current Resident</b>	<b>Proposed Resident</b>	<b>Current Non-resident</b>	<b>Proposed Non-resident</b>
Cabin-C—Sleep 6/7— S. B. Elliott—Week	Per Week	113.20	113.20	135.85	135.85
<b>[ Cabin-C—Sleep 6/7—S. B. Elliott—Fri.-Sat. ]Friday—Saturday</b>	Per Night	28.30	28.30	33.96	33.96
<b>[ Cabin-C—Sleep 6/7—S. B. Elliott—Sun.-Thur. ]Sunday—Thursday</b>	Per Night	16.98	16.98	20.75	20.75
Cabin-C—Sleep 8/9—S. B. Elliott—Week	Per Week	139.62	139.62	169.81	169.81
<b>[ Cabin-C—Sleep 8/9—S. B. Elliott—Fri.-Sat. ]Friday—Saturday</b>	Per Night	34.90	34.90	42.45	42.45
<b>[ Cabin-C—Sleep 8/9—S. B. Elliott—Sun.-Thur. ]Sunday—Thursday</b>	Per Night	20.75	20.75	25.47	25.47
Camping					
Camping Class A—Without Electricity	Per Week	72.00	72.00	84.00	84.00
<b>[ Camping Class A— ]Friday—Saturday</b>	Per Night	14.00	14.00	16.00	16.00
<b>[ Camping Class A— ]Sunday—Thursday</b>	Per Night	11.00	11.00	13.00	13.00
<b>Camping Class A—With Electricity &gt; 30 amp</b>	<b>Per Week</b>		<b>90.00</b>		<b>102.00</b>
<b>Friday—Saturday</b>	<b>Per Night</b>		<b>17.00</b>		<b>19.00</b>
<b>Sunday—Thursday</b>	<b>Per Night</b>		<b>14.00</b>		<b>16.00</b>
<b>Camping Class A—With Electricity &lt;= 30 amp</b>	<b>Per Week</b>		<b>84.00</b>		<b>96.00</b>
<b>Friday—Saturday</b>	<b>Per Night</b>		<b>16.00</b>		<b>18.00</b>
<b>Sunday—Thursday</b>	<b>Per Night</b>		<b>13.00</b>		<b>15.00</b>
Camping Class B—Without Electricity	Per Week	58.00	58.00	70.00	70.00
<b>[ Camping Class B— ]Friday—Saturday</b>	Per Night	11.00	11.00	13.00	13.00
<b>[ Camping Class B— ]Sunday—Thursday</b>	Per Night	9.00	9.00	11.00	11.00
<b>Camping Class B—With Electricity &gt; 30 amp</b>	<b>Per Week</b>		<b>76.00</b>		<b>88.00</b>
<b>Friday—Saturday</b>	<b>Per Night</b>		<b>14.00</b>		<b>16.00</b>
<b>Sunday—Thursday</b>	<b>Per Night</b>		<b>12.00</b>		<b>14.00</b>
<b>Camping Class B—With Electricity &lt;= 30 amp</b>	<b>Per Week</b>		<b>70.00</b>		<b>82.00</b>
<b>Friday—Saturday</b>	<b>Per Night</b>		<b>13.00</b>		<b>15.00</b>
<b>Sunday—Thursday</b>	<b>Per Night</b>		<b>11.00</b>		<b>13.00</b>
<b>[ Camping With Electricity &gt; 30 amp</b>	<b>Per Night Additional</b>	<b>3.00</b>		<b>3.00 ]</b>	
<b>[ Camping With Electricity &lt;= 30 amp</b>	<b>Per Night Additional</b>	<b>2.00</b>		<b>2.00 ]</b>	
Camping Shelter Provided					
Camping Class C Sleep 2 Hut	Per Week	116.00	116.00	134.00	134.00
<b>[ Camping Class C Sleep Hut—Fri.-Sat. ]Friday—Saturday</b>	Per Night	20.00	20.00	23.00	23.00
<b>[ Camping Class C Sleep 2 Hut—Sun.-Thur. ]Sunday—Thursday</b>	Per Night	19.00	19.00	22.00	22.00
Camping Class C Sleep 4 Hut	Per Week	126.00	126.00	152.00	152.00
<b>[ Camping Class C Sleep 4 Hut—Fri.-Sat. ]Friday—Saturday</b>	Per Night	23.00	23.00	26.00	26.00
<b>[ Camping Class C Sleep 4 Hut—Sun.-Thur. ]Sunday—Thursday</b>	Per Night	20.00	20.00	25.00	25.00
Camping Class C Walled Tent >200 sq. ft.	Per Week	<b>[ 144.00 ]</b>	<b>168.00</b>	<b>[ 170.00 ]</b>	<b>194.00</b>
<b>[ Camping Class C Walled Tent—Fri.-Sat. ]Friday—Saturday</b>	Per Night	<b>[ 26.00 ]</b>	<b>32.00</b>	<b>[ 29.00 ]</b>	<b>35.00</b>
<b>[ Camping Class C Walled Tent—Sun.-Thur. ]Sunday—Thursday</b>	Per Night	<b>[ 23.00 ]</b>	<b>26.00</b>	<b>[ 28.00 ]</b>	<b>31.00</b>
Camping Class C Walled Tent =< 200 sq. ft.	<b>Per Week</b>		<b>152.00</b>		<b>178.00</b>
<b>Friday—Saturday</b>	<b>Per Night</b>		<b>28.00</b>		<b>31.00</b>
<b>Sunday—Thursday</b>	<b>Per Night</b>		<b>24.00</b>		<b>29.00</b>

## NOTICES

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<b>[ Fee ] Price Title</b>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Non-resident</i>	<i>Proposed Non-resident</i>
Camping Class C Yurt	Per Week	<b>[ 162.00 ]</b>	<b>190.00</b>	<b>[ 188.00 ]</b>	<b>216.00</b>
<b>[ Camping Class C Yurt—Fri.-Sat. ]Sunday—Thursday</b>	Per Night	<b>[ 29.00 ]</b>	<b>35.00</b>	<b>[ 32.00 ]</b>	<b>38.00</b>
<b>[ Camping Class C Yurt—Sun.-Thur. ]Friday—Saturday</b>	Per Night	<b>[ 26.00 ]</b>	<b>30.00</b>	<b>[ 31.00 ]</b>	<b>35.00</b>
Camping Miscellaneous					
Camping Backpack Laurel Ridge and Oil Creek	Per Site Per Night Per Person	3.00	3.00	4.00	4.00
Camping Backpack Laurel Ridge and Oil Creek	Maximum Per Night Per Group	<b>[ 8.00 ]</b>	<b>11.00</b>	<b>[ 9.00 ]</b>	<b>13.00</b>
Camping Extra Vehicle	Per Night	3.00	3.00	3.00	3.00
Camping Reduction (Class A and Class B Family Campground Sites only) For Senior Citizens and/or Persons With Disabilities	Per Night	3.00	3.00	3.00	3.00
<b>Camping Reduction (Class A and Class B Family Campground Sites only) For Senior Citizens and/or Persons With Disabilities</b>	<b>Per Week</b>		<b>18.00</b>		<b>18.00</b>
Camping Unit Storage	Per Day	2.50	2.50	2.50	2.50
Camper Unit Storage	Per Week	8.00	8.00	9.00	9.00
Camping Equestrian	Per Night	15.00	15.00	19.00	19.00
Camper Dump Station	Per Use for Non Registered Campers	8.00	8.00	9.00	9.00
Group Tenting and Group Camps					
Class A Group Tent Area	Capacity <= 20 Per Night	25.00	25.00	35.00	35.00
	Capacity 21 to 40 Per Night	35.00	35.00	45.00	45.00
	Capacity 41 to 60 Per Night	45.00	45.00	55.00	55.00
	Capacity 61 [ and Over ] to 100 Per Night	55.00	55.00	65.00	65.00
	<b>Capacity 101 and Over Per Night</b>		<b>100.00</b>		<b>120.00</b>
	Sleeping Trailer In Group Area Per Night	<b>[ 14.00 ]</b>	<b>5.00</b>	<b>[ 17.00 ]</b>	<b>5.00</b>
Class B Group Tent Area	Capacity <= 20 Per Night	20.00	20.00	30.00	30.00
	Capacity 21 to 40 Per Night	30.00	30.00	40.00	40.00
	Capacity 41 to 60 Per Night	40.00	40.00	50.00	50.00
	Capacity 61 [ and Over ] to 100 Per Night	50.00	50.00	60.00	60.00
	<b>Capacity 101 and Over Per Night</b>		<b>90.00</b>		<b>100.00</b>
	<b>Sleeping Trailer in Group Area Per Night</b>	<b>[ 11.00 ]</b>	<b>5.00</b>	<b>[ 14.00 ]</b>	<b>5.00</b>
Organized Group Camps Capacity <=50 Persons	Per Night Minimum Without Utilities	<b>[ 60.00 ]</b>	<b>62.00</b>	<b>[ 95.00 ]</b>	<b>97.00</b>
Organized Group Camps Capacity 51 to 125 Persons	Per Night Minimum Without Utilities	<b>[ 75.00 ]</b>	<b>77.00</b>	<b>[ 115.00 ]</b>	<b>118.00</b>
Organized Group Camps Capacity 126 Persons and Greater	Per Night Minimum Without Utilities	<b>[ 90.00 ]</b>	<b>92.00</b>	<b>[ 135.00 ]</b>	<b>138.00</b>
Marina Costs Neshaminy					
<b>[ Cost Per Foot of Boat</b>	<b>Per Season 1997 Only</b>	<b>42.00</b>		<b>84.00 ]</b>	



<b>[ Fee ] Price Title</b>	<b>Unit</b>	<b>Current Resident</b>	<b>Proposed Resident</b>	<b>Current Non-resident</b>	<b>Proposed Non-resident</b>
Cost Per Foot of Boat	Per Season Starting in 1998		50.00		100.00
Cost Per Foot of Boat	Per Day	0.50	0.50	1.00	1.00
Marina Costs Presque Isle					
<b>Cost Per Foot of Stall</b>	<b>Per Day With Utilities</b>		<b>0.55</b>		<b>1.00</b>
Cost Per Foot of Stall	Per Season Without Utilities	33.00	33.00	66.00	66.00
Cost Per Foot of Stall	Per Day <b>Without Utilities</b>	0.45	0.45	0.90	0.90
Cost Per Foot of Stall	Per Season With Utilities	37.00	37.00	74.00	74.00
Cost For Bascomb	Per Season	315.00	315.00	630.00	630.00
Cost For Cradle Summer Storage	Per Season	35.00	35.00	70.00	70.00
Cost For Travel Lift	Per Lift Per Foot	4.00	4.00	8.00	8.00
Winter Boat Storage Per Foot <b>of Boat Includes Lift</b>	Per Season	14.00	14.00	28.00	28.00
Marina Costs M.K. Goddard					
"A" Docks	Per Foot <b>of Boat</b> Per Season	17.00	17.00	25.00	25.00
"B" Docks	Per Foot <b>of Boat</b> Per Season	15.00	15.00	23.00	23.00
"C" Docks	Per Foot <b>of Boat</b> Per Season	10.00	10.00	18.00	18.00
Marina Costs Moraine					
Fingerless Dock	Per Foot of Boat Per Season	21.00	21.00	28.00	28.00
Regular Finger Dock	Per Foot of Boat Per Season	23.00	23.00	30.00	30.00
Large Finger Dock	Per Foot of Boat Per Season	26.00	26.00	33.00	33.00
Off Shore Mooring	Per Foot of Boat Per Season	16.00	16.00	23.00	23.00
Dry Mooring	Per Season	130.00	130.00	150.00	150.00
Rack Spaces	Per Season	58.00	58.00	70.00	70.00
Regular Winter Storage	Per Season	130.00	130.00	150.00	150.00
Rack Winter Storage	Per Season	58.00	58.00	70.00	70.00
Dock Space	Per Foot of Boat Per Day	0.45	0.45	0.65	0.65
Offshore Mooring	Per Foot of Boat Per Day	0.20	0.20	0.40	0.40
All Other State Park Marinas					
Cost Per Foot	Per Season	19.00	19.00	30.00	30.00
Daily Transient	Per Foot Per Day	0.30	0.30	0.50	0.50
Daily Transient Nockamixon 16 Feet and Greater	Per Foot Per Day	0.45	0.45	0.75	0.75
<b>Daily Transient Dry Storage</b>	<b>Per Day \$5.00 Minimum</b>		<b>2.00</b>		<b>3.00</b>
<b>Daily Transient Winter Storage</b>	<b>Per Day \$5.00 Minimum</b>		<b>2.00</b>		<b>3.00</b>
<b>Mooring Offshore Pymatuning</b>	<b>Per Season</b>	<b>[ 45.00 ]</b>	<b>65.00</b>	<b>[ 45.00 ]</b>	<b>65.00</b>
Other Boating					
All Marina Waiting Lists	Per List	10.00	10.00	10.00	10.00
Mooring <= 7' Shoreline	Per Season	<b>[ 35.00 to 80.00 ]</b>	<b>35.00 to 85.00</b>	<b>[ 40.00 to 100.00 ]</b>	<b>40.00 to 105.00</b>
Mooring <= 7' Shoreline	Per Day \$5.00 Minimum	2.00	2.00	3.00	3.00
Mooring > 7' Shoreline	Per Season	<b>[ 70.00 to 150.00 ]</b>	<b>70.00 to 155.00</b>	<b>[ 80.00 to 200.00 ]</b>	<b>80.00 to 205.00</b>
Mooring > 7' Shoreline	Per Day \$5.00 Minimum	4.00	4.00	5.00	5.00
Boat Docks—Private	Per Season	40.00	40.00	50.00	50.00
Boat Launching Permit	Per Season	10.00	10.00	15.00	15.00

## NOTICES

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<b>[ Fee ] Price Title</b>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Non-resident</i>	<i>Proposed Non-resident</i>
<b>Boat Launching Permit</b>	<b>Per Two Seasons</b>		<b>18.00</b>		<b>28.00</b>
Boat Winter Storage	Per Season	110.00	110.00	120.00	120.00
Boating Canoe Racks	Per Season	50.00	50.00	55.00	55.00
Boating Dry Storage	Per Season	110.00	110.00	115.00	115.00
Boating Whitewater	Per Reservation	2.50	2.50	2.50	2.50
Boating Whitewater	Season Pass	15.00	15.00	15.00	15.00
Miscellaneous					
Abandoned Property	Base Charge	30.00	30.00	30.00	30.00
Abandoned Property	Per Day Above Base	5.00	5.00	5.00	5.00
Firewood Permit	Per Cord	10.00	10.00	10.00	10.00
Non Overnight Shower Unmetered	Per Person	2.00	2.00	2.00	2.00
Non Overnight Shower Metered	Per Person	0.50	0.50	0.50	0.50
Meeting Room/Classroom	Per Day [ Per Group ]	[ 75.00 ]	51.00 to 179.00	[ 85.00 ]	56.00 to 205.00
[ Classroom	Per Day Per Group	50.00		55.00 ]	
[ Raccoon Creek	Rec. Hall Per Day	110.00		120.00 ]	
[ Ridley Creek	Classroom Per Day	175.00		200.00 ]	
Picnic Pavilions and Groves					
Pavilion-A With Electric	Min. + \$10./500 sq. ft. per day	[ 50.00 ]	51.00	[ 70.00 ]	72.00
Pavilion-B No Electric	Min. + \$10./500 sq. ft. per day	[ 45.00 ]	46.00	[ 60.00 ]	62.00
[ \$20 discount ]Discount for pavilion rentals [ for Monday to Fridays—Summer holidays excluded ]	Monday to Friday — Summer holidays excluded		20.00		20.00
Picnic Groves	Min. + \$15. for Every 10 Tables Above the Initial 10 Tables	[ 35.00 ]	36.00	[ 50.00 ]	51.00
State Operated Swimming Pools					
Swimming Pools Park Operated	User Per Day	[ 1.75 to 3.50 ]	1.75 to 3.75	[ 1.75 to 3.50 ]	2.00 to 3.75
Swimming Pools Park Operated	Senior Citizen	[ 1.50 to 2.50 ]	1.50 to 2.75	[ 1.50 to 2.50 ]	1.50 to 2.75
Swimming Pools Park Operated	After 4 PM Daily	[ 1.00 to 2.00 ]	1.00 to 2.25	[ 1.00 to 2.00 ]	1.00 to 2.25
Swimming Pools Park Operated	Children Under 38" Free	0.00	0.00	0.00	0.00
Swimming Pools Park Operated	Book Of 20 Tickets	25.00 to 35.00	25.00 to 35.00	25.00 to 40.00	25.00 to 40.00
Swimming Pools Park Operated	Season Pass Adult	[ 50.00 ]	40.00 to 50.00	[ 55.00 ]	45.00 to 55.00
Swimming Pools Park Operated	Season Pass Under 12 Years Old	[ 30.00 ]	20.00 to 30.00	[ 35.00 ]	25.00 to 35.00
Swimming Pools Park Operated	Season Pass Senior Citizen	[ 35.00 ]	30.00 to 35.00	[ 45.00 ]	30.00 to 45.00
Swimming Pools Park Operated	Yearly Family Pass	[ 135.00 ]	120.00 to 135.00	[ 150.00 ]	135.00 to 150.00
Swimming Pools Park Operated	Group 15 Or More People	[ 1.50 to 2.00 ]	1.50 to 2.25	[ 1.50 to 2.00 ]	1.50 to 2.25
Swimming Pools Park Operated	Park Camper Or Cabin Occupant W/ Receipt	[ 1.00 to 2.00 ]	1.00 to 2.50	1.00 to 2.00 ]	1.00 to 2.50
Swimming Pools Park Operated	Non-Swimming Adult Free	0.00	0.00	0.00	0.00

[Pa.B. Doc. No. 97-1886. Filed for public inspection November 21, 1997, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 125]

### Workers' Compensation Self-Insurance

The Department of Labor and Industry (Department), Bureau of Workers' Compensation (Bureau), proposes to amend Chapter 125 (relating to workers' compensation self-insurance), which governs the processing of applications for and the administration of self-insurance under the Workers' Compensation Act (act) (77 P.S. §§ 1—1041.4) and The Pennsylvania Occupational Disease Act (Occupational Disease Act) (77 P.S. §§ 1201—1603). The amendments, as set forth in Annex A, are proposed under the authority provided in section 435 of the act (77 P.S. § 991). That section provides that the Department will adopt regulations as necessary to explain and enforce the provisions of the act.

Sections 125.2, 125.3, 125.9 and 125.16 are part of Subchapter A (relating to individual self-insurance) which pertains to self-insurance by individual employers. Sections 125.132—125.135, 125.148, 125.150 and 125.152 are part of Subchapter B (relating to group self-insurance) which enforces and administers the group self-insurance provisions of the act set forth in Article VIII of the act (77 P.S. §§ 1036.1—1036.18). In addition to section 435 of the act, the amendments to Subchapter B are proposed under section 818 of the act (77 P.S. § 1036.18). That section specifically authorizes the Department to promulgate rules for the administration and enforcement of group self-insurance. Section 125.202 falls under Subchapter C (relating to self-insurance guaranty fund) which provides regulations relating to the Self-Insurance Guaranty Fund (Guaranty Fund). Provisions concerning the Guaranty Fund are in Article IX of the act (77 P.S. §§ 1037.1—1037.7). In addition to section 435 of the act, the amendment to § 125.202 is proposed under section 908 of the act (77 P.S. § 1037.8), which specifically authorizes the Department to promulgate rules for the administration and enforcement of the Guaranty Fund.

#### *Purpose of Proposal*

On June 24, 1996, Governor Tom Ridge signed into law the act of June 24, 1996 (P.L. 350, No. 57) (Act 57), which substantially amended the act. Among many other things, Act 57 amended sections 305 and 802 of the act (77 P.S. §§ 501 and 1036.2) and added section 819 (77 P.S. § 1036.19). Those changes affected matters relating to the requirements for self-insurance. Portions of the proposed amendments to §§ 125.2 and 125.9 and the proposed amendments to §§ 125.134, 125.148 and 125.152 are necessary to bring Chapter 125 into conformity with the Act 57 amendments.

The Bureau is also proposing other amendments to § 125.9 to modify the formulas for calculating the amount of security which must be posted by individually self-insured private employers and to permit the discounting of the required amount of security in certain circumstances.

Another amendment to § 125.2 and amendments to §§ 125.3, 125.16 and 125.150 are also proposed to provide needed clarification to Chapter 125. The need for clarifi-

cation has been identified through the administration of Chapter 125 since its promulgation in October of 1995.

In addition, the Bureau is proposing amendments to Subchapter B to permit group self-insurance funds that must now charge contribution rates equal to insurance rates charged by the State Workers' Insurance Fund (SWIF) to use individual loss-cost multipliers to recoup operating expenses. The amendments to §§ 125.132, 125.133 and 125.135 relate to that proposal.

Finally, the amendment to § 125.202 simply updates the definition of "SWIF" used in Subchapter C to bring it in conformity with Act 57, which renamed the State Workmen's Insurance Fund the State Workers' Insurance Fund.

#### *Summary of the Proposal*

(1) Act 57 amended section 305(A)(2) of the act to exempt the Commonwealth and its political subdivisions from the requirement of posting security covering its workers' compensation liability. Prior to Act 57, only municipalities were granted the security requirement exemption. The Bureau proposes the following amendments to the individual self-insurance regulations under Subchapter A in response to that amendment to the act:

(i) The addition of a definition for "Commonwealth" under § 125.2 (relating to definitions). This is needed to clarify the self-insured entities that qualify for the security requirement exemption as the Commonwealth.

(ii) The addition of a definition for "instrumentality of the Commonwealth." This is needed to describe the class of public employers which are neither the Commonwealth nor political subdivisions, such as State-related universities.

(iii) The deletion of the definition of "municipality" under § 125.2. Entities included under the definition of "municipality" would be included under the proposed definition of "political subdivision."

(iv) The addition of a definition for "political subdivision" under § 125.2. The proposed definition derives from the definition of "political subdivision" under section 801 of the act (77 P.S. § 1036.1). Although section 801 of the act applies to group self-insurance, the proposed use of the definition for individual self-insurance is appropriate since it would result in a common treatment of political subdivisions for security and funding matters, whether those employers are individually self-insured or a member of a group self-insurance fund.

(v) An amendment to the definition of "public employer" under § 125.2 to incorporate changes to other related definitions under the section.

(vi) An amendment to subsection (a) of § 125.9 (relating to security requirements) to state that the security requirement exemption applies to the Commonwealth and its political subdivisions.

(2) Act 57 also amended section 305(A)(2) of the act to change the ratings banks must have from independent rating companies to provide letters of credit for self-insurance security. The amendment applies to letters of credit posted to secure liabilities of individual self-insurers and group self-insurers. The proposed amendments to § 125.9(b)(3)(i) and to § 125.148(3)(i) will provide for those changes.

(3) Act 57 amended section 802(b)(11) of the act (77 P.S. § 1036.2) to exempt group self-insurance funds comprised exclusively of political subdivisions from the security requirement. The Bureau proposes an amendment to § 125.134(d)(2) (relating to decisions on applications) to include that exemption in the self-insurance regulations.

(4) Act 57 added section 819 to the act. That section authorizes an association of employers to establish one board of trustees to oversee the operations of several related group self-insurance funds. The Bureau proposes adding subsection (e) to § 125.152 (relating to board of trustees) to implement section 819 of the act.

The proposed amendments require that the group self-insurance funds participating in a consolidated board of trustees be equally represented on the board. The proposal also clarifies that each member's pledge of joint and several liability, a requirement of the act for group self-insurance, applies to the liabilities and obligations of its fund only, not to the liabilities and obligations of the other funds participating in the consolidated board of trustees.

To ensure that each group self-insurance fund participating in a consolidated board of trustees maintains its ability to operate as an independent unit, the proposal provides that only the trustee-representative of each specific fund shall vote on matters relating to the amendment of the fund's governing documents and shall set policies on the admission of membership for the fund.

The proposal also would extend the restrictions on the makeup of independent boards of trustees contained under § 125.152(c) to the consolidated board of trustees.

(5) Under the current regulations, a new self-insured private employer must post security in an amount equal to the greater of its total incurred insured workers' compensation losses in the 3 years prior to the start of its self-insurance status or a certain minimum amount. The minimum is based on the retention amount of the self-insurer's excess insurance or a multiple of the State-wide average weekly wage. A mature self-insurer, that is, an employer which has been self-insured for five or more years, must post security in an amount equal to the greater of 110% of its developed outstanding liability or the minimum amount. Self-insurers with 1 to 5 years of experience must provide security in an amount equal to the greater of that required for a new self-insurer or that required for a mature self-insurer. The Bureau proposes to alter the existing security formulas in the following ways:

(i) The minimum security amount defined under § 125.9(d) (relating to security) would be changed to a security constant which will be added to the security requirement of all self-insurers. The security constant would replace the 10% of a self-insurer's outstanding liability which is added to its required amount of security. The 10% additive is intended to provide a margin for adverse loss development, to stabilize the results of self-insurers with a low volume of claims, and to provide funds for the administration of claims in the event of a default. The 10% additive may, however, overly inflate the security of self-insurers with a large liability while not providing a sufficient margin for small self-insurers, for which the additional margin is most needed. The replacement of the 10% additive with the security constant would correct that situation.

(ii) The amount of security required of a new self-insurer under § 125.9(d)(1) would be changed to the

applicant's greatest annual insured incurred loss during the 3 years prior to self-insurance plus the security constant. This would generally decrease the amount of security required of new self-insurers while providing sufficient security to cover the new self-insurer's likely incurred losses during its first year of self-insurance.

(iii) The transition period during which the amount of a renewal applicant's security is based on the greater of the initial amount of security or the self-insurer's outstanding liability would be reduced from 5 years to 3 years under a proposed amendment to § 125.9(d)(2). After 3 years, security would be based on a renewal applicant's self-insurance experience, as reflected in a proposed amendment to § 125.9(d)(3).

(iv) Under § 125.9(i) the Bureau may reduce a self-insurer's required amount of security to account for assets segregated in a trust fund for the payment of workers' compensation liability. A provision would be added to this subsection to state that the security reduction resulting from such a trust fund could be equal to no less than the security constant. It is the Bureau's current policy to reduce the security to no less than the minimum security amount under such circumstances.

(v) The current regulations do not permit a discounting of the amount of security for self-insurers with a strong financial condition. It has been suggested to the Bureau that the risk of default for those self-insurers is very low, making the requirement of security equal to the amount of outstanding liability unnecessary. In response, the Bureau proposes two levels of security discount: a 40% discount for self-insurers whose debt is rated in the two highest categories by Moody's Investors Services or Standard & Poor's Corporation; or a 20% discount for self-insurers whose debt is rated in the next two categories by Moody's or Standard & Poor's. (All four levels of qualifying debt ratings are investment grade ratings.) That proposal, contained in the addition of subsection (l) to § 125.9, provides for acceptable security discounts where merited. At the same time, the layering of the discounts recognizes that the financial condition of a strong self-insurer can decline, mandating the provision of additional security as the financial condition weakens.

(vi) An additional subsection, subsection (m), would be added to § 125.9 to provide that the termination of self-insurance status does not relieve a runoff self-insurer from the obligation of providing security in an amount as outlined in the section. That provision is essential to protect the compensation rights of employees of self-insurers, especially if self-insurers are permitted to provide security in amounts less than the amount of their outstanding liability while they maintain a certain debt rating.

(6) The proposed amendments to §§ 125.132, 125.133 and 125.135 would permit group self-insurance funds which must now charge contribution rates equal to those charged for insurance by SWIF to use individual loss-cost multipliers to recoup operating expenses. Under the proposal, those funds shall be required to continue to use current loss-costs, as approved by the Insurance Commissioner for workers' compensation insurance as the basis for charging members for losses under the act and The Occupational Disease Act. They would file with the Bureau a proposed loss-cost multiplier which would be based on their own projected administrative and operating expenses. The Bureau will review each fund's proposed loss-cost multiplier, which will be approved unless the Bureau determines that the proposed multiplier is unreasonably low.

Many current group self-insurance funds have expressed concerns that under current regulation they must charge rates for operating costs which are in excess of their actual costs. By permitting funds to request their own expense charges, the proposed regulation may result in lower contribution rates for members of funds.

The Bureau also proposes to amend § 125.135(b) to permit funds to reduce a member's contribution rates for 5 years if the member establishes a workplace safety committee which receives certification under section 1002 of the act (77 P.S. § 1038.2). The current regulation permits a 1-year 5% safety committee discount.

Act 57 also amended the act to expand the 5% safety committee discount for employers which insure their workers' compensation liability from 1 year to 5 years. The Department has interpreted Act 57 to permit the application of the 5% safety committee discount to group self-insurance members in order to further encourage the establishment and maintenance of workplace safety committees.

(7) The current definition of "applicant" under § 125.2 excludes a parent company which is an employer in this Commonwealth from submitting a self-insurance application on behalf of its subsidiaries unless the parent also applies for self-insurance. This is a drafting oversight. The Bureau proposes to amend the definition of "applicant" to correct the matter.

(8) The Bureau proposes to amend § 125.3(c)(3)(i) (relating to application) to provide that the financial statements required to be submitted as part of the self-insurance application shall be in conformity with generally accepted accounting principles as prescribed by the Financial Accounting Standards Board or the Government Accounting Standards Board or with international accounting standards as prescribed by the International Accounting Standards Committee. International accounting standards financial statements are being added as acceptable to address the concerns of multinational companies adhering to those standards. International accounting standards are the recognized and prevalent accounting practices of many such companies.

The current regulation deems acceptable statements made in conformity with the principles prescribed by the American Institute of Certified Public Accountants (AICPA), even though the AICPA does not prescribe such standards. Since this has caused some confusion, the reference to the AICPA is being eliminated.

(9) Runoff self-insurers and runoff group self-insurance funds are now required to submit a report on their self-insurance claims by April 15 of each year under §§ 125.16 and 125.150, respectively. The Bureau proposes to amend those sections to permit the Bureau to set a separate filing deadline for the report for each runoff self-insurer or runoff fund. The Bureau will generally schedule the receipt of the reports to coincide with a runoff self-insurer's former annual reapplication due date or a runoff fund's annual report due date. This would permit runoff self-insurers or runoff funds to continue to maintain information based on the reporting cycle followed when they were self-insured.

#### *Fiscal Impact*

Overall, the proposed amendments will have a beneficial fiscal impact on most individual self-insured employers and group self-insurance funds affected by them. The proposed amendments also will not affect the Bureau's costs of administering the self-insurance regulations.

Through their implementation of Act 57's provisions expanding the self-insurance security requirement exemption to all self-insured political subdivisions, to the Commonwealth and to group self-insurance funds comprised of political subdivisions, the proposed regulatory amendments permit those entities to reduce the administrative costs of their self-insurance programs by eliminating associated costs for these security instruments as surety bonds and letters of credit.

The statutory amendment changing the independent ratings a bank must possess to post a letter of credit as self-insurance security increases the potential pool of banks acceptable for that purpose. This will increase competition among banks in providing letters of credit, which may reduce the self-insurers' cost in obtaining letters of credit.

The Act 57 amendment authorizing an association of employers to establish a consolidated board of trustees overseeing the operation of more than one group self-insurance fund may reduce the cost of operating the affected group self-insurance funds by permitting a consolidation of their service providers.

The proposed amendments changing the formulas for calculating the amount of security materially reduces the required amount of security of one-third of the self-insured private employers, while it increases the amount of security of another one-fifth of the self-insurers. The total decrease in the amount of security is far greater than the amount of additional security required. The average increase in security would be about \$200,000 or \$300,000 per affected self-insurer, while individual security decreases would be as large as \$10 million. Those self-insurers required to increase their amount of security are those with a low volume of claims which do not possess an investment grade debt rating. The increase in security for these self-insurers is justified because of their vulnerability to dramatic increases in the value of their outstanding liability and their generally lower financial capacity to absorb those fluctuations.

Approximately 10% of the self-insured private employers would qualify for the 40% discount to their amount of security due to their superior debt rating while 20% of the current self-insured private employers would qualify for the 20% reduction in security.

The proposed amendments to the regulations permitting certain group self-insurance funds to charge contribution rates reflective of their own administrative costs rather than a standard administrative rate may reduce the contribution rates which those group self-insurance funds charge their members.

Since the proposed amendments to the definition of "applicant" under § 125.2 and to §§ 125.3(c)(3)(i), 125.16 and 125.150(a) clarify existing regulation, they do not have a fiscal impact.

#### *Affected Persons*

The proposed amendments relating to the elimination of security shall affect the Commonwealth and current and prospective individually self-insured political subdivisions and political subdivision group self-insurance funds. The proposals pertaining to group self-insurance expense charges and board of trustees will affect current group self-insurance funds and prospective funds. The changes to the required ratings for banks posting letters of credit most directly affect the additional banks which now provide letters of credit, but also affect all self-insurers required to post security.

*Paperwork Requirements*

Only the amendments to Subchapter B relating to individual fund loss-cost multipliers will require additional paperwork. A fund shall complete and submit a form and supporting documentation to request Bureau approval of its proposed loss-cost multiplier. The potential savings should outweigh the paperwork requirement associated with the proposal.

*Effective Date*

The proposed amendments will be effective upon final publication in the *Pennsylvania Bulletin*.

*Sunset Date*

No sunset date is necessary for the proposed regulatory amendments. The regulations are continuously monitored by the Workers' Compensation Advisory Council and by the Bureau in the day-to-day handling and processing of individual self-insurance and group self-insurance fund applications. If needed, corrections can be initiated based on information obtained by these operations.

*Public Comment and Contact Person*

For further information on this proposal, contact George Knehr, Chief, Self-Insurance and Safety Division, at (717) 783-4476. Interested persons are invited to submit their written comments, suggestions or objections regarding this proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin*. Written comments, suggestions or objections should be sent to:

George Knehr, Chief  
Self-Insurance and Safety Division  
Bureau of Workers' Compensation  
P. O. Box 15121  
Harrisburg, PA 17105-5121

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 7, 1997, the Department submitted a copy of this proposal to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Labor Relations Committee and the Senate Labor and Industry Committee. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, Regulatory Review and Promulgation. A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed amendments, they will notify the Department within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committee review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed amendments. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed regulations, by the Department, the General Assembly and the Governor, of objections raised.

JOHNNY J. BUTLER,  
*Secretary*

**Fiscal Note:** 12-49. No fiscal impact; (8) recommends adoption. The costs would be offset by the savings associated with this regulation for Workers' Compensation Self-Insurance.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**  
**PART VIII. BUREAU OF WORKERS'**  
**COMPENSATION**

**CHAPTER 125. WORKERS' COMPENSATION**  
**SELF-INSURANCE**

**Subchapter A. INDIVIDUAL SELF-INSURANCE****§ 125.2. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Applicant*—An employer requesting permission to initiate or to renew self-insurance, an employer requesting permission for it and its affiliates or subsidiaries to initiate or to renew self-insurance, or a parent company [which is not an employer in this Commonwealth which requests] requesting permission for its subsidiaries to initiate or to renew self-insurance.

\* \* \* \* \*

*Commonwealth*—

(i) The government of the Commonwealth, including the following:

(A) The courts and other officers or agencies of the unified judicial system.

(B) The General Assembly, and its officers and agencies.

(C) The Governor, and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth.

(ii) The term does not include any instrumentalities of the Commonwealth or political subdivisions.

\* \* \* \* \*

*Instrumentality of the Commonwealth*—An employer, politic and corporate, exercising an essential government function. The term does not include the Commonwealth or any political subdivisions.

\* \* \* \* \*

[ *Municipality*—A county, city, borough, incorporated town or township. ]

\* \* \* \* \*

*Political subdivision*—A county, city, borough, incorporated town, township, school district, vocational school district and county institution district, municipal authority, or other entity created by a political subdivision under law.

\* \* \* \* \*

*Public employer*—The Commonwealth [ of Pennsylvania, any board, commission, agency, authority or ], an instrumentality of the Commonwealth [ and municipalities ] or a political subdivision.

\* \* \* \* \*

**§ 125.3. Application.**

\* \* \* \* \*

(c) With the application, the applicant shall include:

\* \* \* \* \*

(3) Its latest audit report issued by a licensed certified public accountant or accounting firm. The report shall cover the last complete fiscal-year period immediately prior to the date of application. If the most current audited period precedes the application date by more than 6 months, the applicant's latest SEC Form 10-Q or unaudited interim financial statements shall be submitted. The audit report shall meet the following criteria:

(i) It shall include financial statements which are presented in conformance with applicable generally accepted accounting principles as promulgated by the Financial Accounting Standards Board[, ] **or the Government Accounting Standards Board [or the American Institute of Certified Public Accountants (AICPA)] or with international accounting standards promulgated by the International Accounting Standards Board.**

\* \* \* \* \*

### § 125.9. Security requirements.

(a) This section applies to self-insured employers except **[ municipalities ] the Commonwealth and political subdivisions.** A private employer shall provide security in an amount as set forth in subsection (d). A public employer which is not **[ a municipality ] the Commonwealth or a political subdivision** shall provide security in the minimum amount of the Statewide average weekly wage multiplied by 1,000 rounded upward to the nearest hundred thousand or the retention amount of the self-insurer's current specific excess insurance policy if the self-insurer has that coverage, whichever is less, or in a greater amount as determined by the Bureau to protect employees and their dependents against temporary interruptions in the payment of benefits by the self-insurer. The security required in this section is not a substitute for the applicant demonstrating its financial ability to pay compensation under the act and the Occupational Disease Act. A self-insurer's security may be adjusted annually or more frequently as determined by the Bureau.

(b) The following forms of security are acceptable:

\* \* \* \* \*

(3) An irrevocable letter of credit using language required by the Bureau issued by and payable at a branch office of a commercial bank located in the continental United States, Alaska or Hawaii. The letter of credit shall state that the terms of the letter of credit automatically renew annually unless the letter of credit is specifically nonrenewed by the issuing bank 60 days or more prior to the anniversary date of its issuance:

(i) At the time of issuance of the letter of credit, the issuing bank or its holding company shall have a **[ B ] B/C or better rating or 2.5 or better score** by Thomson BankWatch or the issuing bank shall have a CD rating of BBB or better by Standard & Poor's Corporation.

\* \* \* \* \*

(d) The amount of security required of self-insured private employers is as described in paragraphs (1)–(4). The **[ minimum ] security [ amount ] constant** shall be the Statewide average weekly wage multiplied by 1,000 **[ rounded upward to the nearest hundred thousand or ], but it shall be the retention amount of the self-insurer's current specific excess insurance policy if the self-insurer has that coverage[ , whichever is less ]:**

(1) For a new self-insurer, the Bureau will determine the amount of security. The initial security will be no less than the amount of the applicant's **[ total ] greatest annual** insured incurred workers' compensation **[ losses ] loss** in this Commonwealth **[ for ] during** the 3 complete policy years prior to its application **plus the security constant** and rounded upward to the nearest hundred thousand **[ or the minimum security amount, whichever is greater ].**

(2) For those who have been approved for self-insurance for more than 1 year but less than **[ 5 ] 3** years, the amount of security is **the greater of** that outlined in paragraph (1) or **[ 110% ] 100%** of the self-insurer's outstanding liability net of excess insurance recoveries, as adjusted by its history of loss development by the Bureau or as projected by an actuary, **plus the security constant** and rounded upward to the nearest hundred thousand **[ , whichever is greater ].**

(3) For those who have been approved for self-insurance for **[ 5 ] 3** or more years, the amount of security is **[ 110% ] 100%** of the self-insurer's outstanding liability net of excess insurance recoveries, as adjusted by its history of loss development by the Bureau or **as** projected by an actuary, **plus the security constant** and rounded upward to the nearest hundred thousand **[ , or the minimum security amount, whichever is greater ].**

\* \* \* \* \*

(i) The Bureau may reduce the amount of security required of a self-insurer under subsection (d) **to no less than the security constant rounded upward to the nearest hundred thousand** if the self-insurer establishes a trust to provide a source of funds for the payment of its liability. A self-insurer may **[ volunteer to ]** establish a trust or it may be required by the Bureau to establish a trust as a condition of self-insurance. The trust agreement shall be in a form prescribed by the Bureau. The trust assets shall be held in a Commonwealth chartered bank and trust company or trust company as defined in section 102 of the Banking Code of 1965 or a Federally chartered bank or foreign bank with a branch office and trust powers in this Commonwealth. **The Bureau may require that the value of the trust fund shall be adjusted at least annually to [ the required funding level as determined ] no less than 100% of the self-insurer's outstanding liability net of excess insurance recoveries, as adjusted by its history of loss development by the Bureau or as projected by an actuary.**

\* \* \* \* \*

**(l) The amount of security required of a self-insurer under subsection (d) shall be discounted by 40% and rounded upward to the nearest hundred thousand if the debt of the self-insurer or of the affiliate guarantying the self-insurer's liability is rated Aaa or Aa by Moody's Investors Services or AAA or AA by Standard & Poor's Corporation. The amount of security required of a self-insurer under subsection (d) shall be discounted by 20% and rounded upward to the nearest hundred thousand if the debt of the self-insurer or of the affiliate guarantying the self-insurer's liability is rated A or Baa by Moody's Investors Services or A or BBB by Standard & Poor's Corporation. A self-insurer receiving one of the discounts outlined in this subsection shall increase its security to the appropriate**

amount if the debt rating of the self-insurer or of its guarantying affiliate is downgraded to below the rating qualifying it for the discount.

(m) Termination of self-insurance status does not relieve a runoff self-insurer from the obligation to provide security according to this section, including the obligation to provide additional security due to increases in the value of its outstanding liability.

#### § 125.16. Reporting by runoff self-insurer.

A runoff self-insurer shall file [ a ] an annual report with the Bureau by [ April 15 of each year ] a date prescribed by the Bureau on a prescribed form. The report [ will ] shall include a list of the runoff self-insurer's open cases, the reserves on those cases, the administrator of those cases and the runoff self-insurer's payout for workers' compensation benefits in the preceding calendar year. This report shall be filed until all cases incurred during the runoff self-insurer's period of self-insurance are closed.

### Subchapter B. GROUP SELF-INSURANCE

#### § 125.132. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Loss costs**—The dollar amounts per unit of exposure attributable to the payment of losses under the act and the Occupational Disease Act, filed by a rating organization based on aggregate experience of all members of that rating organization and approved by the Insurance Commissioner under Article VII of the act (77 P. S. §§ 1035.1—1035.22).

**Loss-cost multiplier**—A factor approved by the Bureau for each fund which is multiplied against the loss costs to recoup the fund's administrative and operating costs and expenses, including:

(i) The fund's costs in connection with the examination, investigation, handling, adjusting and litigation of claims.

(ii) The cost of excess insurance, loss control services, underwriting services, assessments and taxes.

(iii) The fees and commissions for accountants, attorneys, actuaries, investment advisors and other specialists whose services are necessary for the operation and administration of the fund.

\* \* \* \* \*

[ **Manual premium**—A member's current policy year insurance premium derived by adding its bases of premium for each classification multiplied by the loss cost rates and lost cost multiplier used by the State Workmen's Insurance Fund before adjustments for experience or discounts. ]

\* \* \* \* \*

#### § 125.133. Application.

\* \* \* \* \*

(c) With the application, the applicant shall include:

\* \* \* \* \*

(4) An explanation of the same classification series, as described under § 125.155(a) (relating to homogeneity),

common to all prospective members with the amount of each member's [ manual ] premium derived from the classification codes within the common series, or an explanation of how the prospective members are engaged in the same or similar types of business, as described under § 125.155(b). The Bureau may request additional information to determine the homogeneity of the applicant.

(5) If the applicant is eligible [ and is requesting to deviate from the manual rates used by the State Workmen's Insurance Fund ] under § 125.135 (relating to classification system; experience rating; contribution rates) and is requesting to deviate from the loss costs of a rating organization as defined under section 703 of the act (77 P. S. § 1035.3), a report prepared by an independent actuary projecting the workers' compensation incurred loss experience of the applicant during its first fund year by various levels of actuarial confidence and rendering an opinion that the rates requested for use will be adequate to satisfy the applicant's obligations and expenses.

\* \* \* \* \*

(12) The applicant's proposed loss-cost multiplier on a form prescribed by the Bureau.

\* \* \* \* \*

#### § 125.134. Decision on application.

\* \* \* \* \*

(d) The applicant will be issued a permit which is effective no sooner than 15 days after the following has been filed with the Bureau:

\* \* \* \* \*

(2) Security in an amount as determined by the Bureau, if any. This requirement does not apply to funds comprised exclusively of political subdivisions.

\* \* \* \* \*

#### § 125.135. Classification system; experience rating; contribution rates

\* \* \* \* \*

(b) A fund shall base its member contribution rates on [ those which are ] no less than the current effective [ rates filed by the State Workmen's Insurance Fund and approved or deemed approved by the Commissioner of the Insurance Department under Article VII of the act ] loss costs plus the fund's approved loss-cost multiplier. A fund may reduce a member's contribution based on the premium discount specified in Schedule Y of the manual of rules, classifications and rates used by the State [ Workmen's ] Workers' Insurance Fund resulting from combining the standard premiums of all members. A fund may also reduce a member's contribution rates for [ 1 ] year up to 5 years by 5% if the member establishes a workplace safety committee which received certification by the Department and continues to meet certification requirements under section 1002 of the act (77 P. S. § 1038.2) and regulations thereunder.

(c) No later than 45 days prior to the beginning of a fund year, a fund may request the Bureau's permission to change its loss-cost multiplier for member contributions payable during that next



**fund year. The request to change a fund's loss-cost multiplier shall be on a form prescribed by the Bureau. The fund may support its loss-cost multiplier request with a report prepared by an independent actuary but an actuarial report is not required.**

**(d) If the Bureau determines that the loss-cost multiplier requested under subsection (c) is unreasonably low, so that it may impair its ability to meet its expenses, it will notify the fund that the loss-cost multiplier request is denied. The notification will be sent to the fund no later than 30 days after the filing of the request. Use of a loss-cost multiplier which has not been approved by the Bureau shall result in the revocation of the fund's permit under section 805(a) of the act (77 P. S. § 1036.5).**

**[(c)] (e) No later than 45 days prior to the beginning of a fund year following its 3rd year of operation, a fund may request permission of the Bureau to deviate from the uniform classification system, uniform experience rating plan, [rates] loss costs and discounts outlined in subsections (a) and (b), including the use of retrospectively rated and deductible plans. An applicant comprised of a majority of prospective members who are participants in a group insurance purchase cooperative/safety group for at least 3 years prior to the submission of its application or comprised of a majority of prospective members who are [municipalities] political subdivisions approved as self-insurers under section 305 of the act (77 P. S. § 501) may also request permission of the Bureau to deviate from the requirements of subsections (a) and (b).**

**[(d)] (f) A deviation request under subsection [(c)] (e) shall be supported by a report prepared by an independent actuary projecting the incurred loss experience of the fund for its next fund year by various levels of actuarial confidence and rendering an opinion that the total contributions received if the deviation is permitted will be adequate to satisfy the applicant's obligations and expenses. A request for deviation from the [rates used by the State Workmen's Insurance Fund] loss costs of a rating organization shall include a schedule of the [rates] loss costs proposed for the fund year.**

**[(e)] (g) If the Bureau determines that the deviation requested under subsection [(c)] (e) may impair the fund's ability to meet its obligations, it will notify the fund that the deviation request is denied. The notification will be sent to the fund no later than 30 days after the filing of the request. Use of [rates] loss costs which have not been approved by the Bureau [will] shall result in the revocation of the fund's permit under section 805(a) of the act (77 P. S. § 1036.5).**

#### **§ 125.148. Security.**

The security required in § 125.134(d)(2) (relating to decision on application) shall be in one of the following forms:

\* \* \* \* \*

(3) An irrevocable letter of credit using language required by the Bureau issued by and payable at a branch office of a commercial bank located in the continental United States, Alaska or Hawaii. The letter of credit shall state that the terms of the letter of credit automatically renew annually unless the letter of credit is specifically

nonrenewed by the issuing bank 60 days or more prior to the anniversary date of its issuance.

(i) At the time of issuance of the letter of credit, the issuing bank or its holding company shall have a [B] B/C or better rating or 2.5 or better score by Thomson BankWatch or the issuing bank shall have a CD rating of BBB or better by Standard & Poor's Corporation.

\* \* \* \* \*

#### **§ 125.150. Runoff fund.**

\* \* \* \* \*

(b) A runoff fund shall file [a] an annual report with the Bureau by [April 15 of each year] a date prescribed by the Bureau on a prescribed form. This report shall be filed until all cases incurred by the runoff fund when it was a permittee are closed. The report shall include the information outlined in section 815(b) of the act (77 P. S. § 1036.15(b)).

#### **§ 125.152. Board of trustees.**

\* \* \* \* \*

**(e) If an association of employers assist in the establishment of more than one fund, the plan committees of the several funds may decide to participate in a single board of trustees to oversee the operations of the several funds. The following restrictions and requirements apply to that single board of trustees:**

**(1) Each of the several funds shall be equally represented on the board of trustees.**

**(2) The pledge of joint and several liability of a member of a fund applies only to the liabilities and obligations of that member's fund; it does not apply to the other funds participating in the single board of trustees.**

**(3) Only the trustee-representatives of a specific fund shall vote on matters relating to the amendment of that fund's trust agreement or bylaws.**

**(4) Only the trustee-representatives of a specific fund shall set policies and make determinations governing the admission of members and the requirements for membership in that fund.**

**(5) At least 2/3 of the single board of trustees shall be members of the plan committees of the several funds. Other restrictions on the makeup of the board outlined under subsection (c) also apply to the single board of trustees.**

#### **Subchapter C. SELF-INSURANCE GUARANTY FUND**

#### **§ 125.202. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*SWIF*—The State [Workmen's] Workers' Insurance Fund.

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